

file copy

October 7, 1994

TO: Board of Selectmen
FROM: NORMAN D. LAKE, Chairman
SUBJECT: SELECTMEN'S REPORT

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AGENDA

ROOM 204

October 11, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 Boston Edison- Massachusetts Ave. - Enclosed please find petition and staff comment for Board action.
2. 7:35 Sharon "Tess" Summers - Ms. Summers will be in regarding the Town Accountant Appointment.
3. 7:45 SITE PLAN #8/25/94-346 - Disinfection Facility behind 339 Nagog Hill Road - Enclosed please find the application and staff comment regarding the proposed disinfection facility to be built by the Town of Concord off of Nagog Hill Road for Board review.

III. SELECTMEN'S BUSINESS

4. SOUTH ACTON SEWERS - Enclosed please find a letter from Mr. Glannon regarding potential South Acton sewerage for Board discussion.
5. EAGLE SCOUT - Enclosed please find two invitations for Board assignment.
6. 61 LAND OFFER - NEWSHAM PROPERTY - 45 Piper Road - Enclosed please find notification to remove from 61 status, Bona fide Purchase and Sale agreement and staff comment for Board action.
7. 61 LAND OFFER - PANNELL PROPERTY - Carlisle Road - Enclosed please find notification to remove from 61 status, bona fide Purchase and Sale agreement and staff comment for Board action.

IV. CONSENT AGENDA

8. ACCEPT MINUTES - Enclosed please find copies of the September 13th Minutes for Board approval.
9. ACCEPT GIFT - Enclosed please find a request from the Acton Children's Playground for Board acceptance of equipment to be installed at Goward field for Board action.
10. ONE DAY LIQUOR LICENSE - Enclosed please find an application for a one day liquor license for St. Elizabeth of Hungary to serve wine at an art auction on October 22, 1994 for Board review and action.
11. FRIENDS OF ACTON LIBRARIES - Enclosed please find correspondence regarding use of Town Hall for a book sale for Board action.

V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

There will be a need for an executive session - Please see enclosed material.

MEETINGS - Fire Dept. Open House - Oct. 15
WEST ACTON DAY ACTIVITIES - Oct. 15

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

October 25
November 8 - Classification Hearing
November 22

10/11/94 - ①

Boston Edison
Conduit and Manholes Installation

NOTICE TO ABUTTERS

In conformity with the requirements of Section 22 of Chapter 166 of the General Laws. (Ter. Ed.), you are hereby notified that a public hearing will be held at the office of the Selectmen of the Town of Acton Massachusetts, on the 11th day of October 1994, at 7:31 P.M., o'clock, upon the petition of Boston Edison Company for permission to construct, and a location for, a line of conduits and manholes, with the necessary wires and cables therein, for the transmission of electricity, under the following public ways of said Town:

Massachusetts Avenue - northerly approximately 343 feet
west of Prospect Street
a distance of about 11 feet - conduit

BOARD OF SELECTMEN

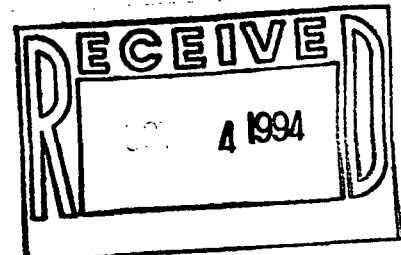
Form 518D
648ACS

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

TO: Board of Selectmen
FROM: Engineering Department
SUBJECT: Boston Edison Petition
463 Mass. Avenue

PR.

DATE: 10/3/94



We have reviewed the petition for the location referenced above and we have the following comments. This petition is for the installation of a conduit to provide underground electrical service to a newly constructed house at 463 Mass. Ave. We do not foresee any problems with the proposed construction.

If you have any questions or need additional information, please let us know.

95*57

PETITION OF BOSTON EDISON COMPANY FOR LOCATION FOR CONDUITS AND MANHOLES


To the BOARD OF SELECTMEN of the Town of Acton Massachusetts

Respectfully represents BOSTON EDISON COMPANY, a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by R. A. Ruscitto dated August 29, 19 94 and filed herewith, under the following public way or ways of said Town:

Mass Ave. - northerly approximately 343 feet
west of Prospect Street
a distance of about 11 feet - conduit

BOSTON EDISON COMPANY

By 
Denis J. Deagle - Supervisor
Rights, Permits & Survey

Dated this 15th day of September 19 94

Town of Acton Massachusetts

ceived and filed 19

ORDER FOR LOCATION FOR CONDUITS AND MANHOLES

Town of.....Acton.....Massachusetts19.....

WHEREAS, BOSTON EDISON COMPANY has petitioned for permission to construct a line for the transmission of electricity for lighting, heating or power under the public way or ways of the Town hereinafter specified, and notice has been given and a hearing held on said petition as provided by law.

It is ORDERED that BOSTON EDISON COMPANY be and hereby is granted permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way or ways of said Town:

Mass Ave. - northerly approximately 343 feet
west of Prospect Street
a distance of about 11 feet - conduit

All construction work under this Order shall be in accordance with the following conditions:

1. Conduits and manholes shall be located as shown on a plan made by.....R. A. Ruscitto.....dated.....August 29.....19 94....., on file with said petition.
2. Said Company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. All work shall be done to the satisfaction of the Board of Selectmen or such officer or officers as it may appoint to supervise the work.

1	}	Selectmen of the Town of Acton
2		
3		
4		
5		

CERTIFICATE

We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit:—after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the Selectmen to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held on the.....day of.....19....., at.....in said Town.

1	}	Selectmen of the Town of Acton
2		
3		
4		
5		

CERTIFICATE

I hereby certify that the foregoing are true copies of the Order of the Board of Selectmen of the Town of.....Acton.....Massachusetts, duly adopted on the.....day of.....19....., and recorded with the records of location Orders of said Town, Book....., Page....., and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, as the same appear of record.

Attest:

Clerk of the Town of.....Acton.....Massachusetts

ORDER FOR LOCATION FOR CONDUITS AND MANHOLES

Town of.....Acton.....Massachusetts19.....

WHEREAS, BOSTON EDISON COMPANY has petitioned for permission to construct a line for the transmission of electricity for lighting, heating or power under the public way or ways of the Town hereinafter specified, and notice has been given and a hearing held on said petition as provided by law.

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west of Prospect Street
a distance of about 11 feet - conduit

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dated.....August 29.....19.....94....., on file with said petition.
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3. All work shall be done to the satisfaction of the Board of Selectmen or such officer or officers as it may appoint to supervise the work.

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at.....in said Town.

1	}	Selectmen of the Town of <u>Acton</u>
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Attest:

Clerk of the Town of.....Acton.....Massachusetts

P - 14-F

CUSTOMER TO INSTALL
2-4" PVC PIPES
13'±

MASSACHUSETTS

AVE

Approx. pt. of p.u.

343' to Prospect St.

(STATE HIGHWAY)

BOSTON EDISON COMPANY
ELECTRICAL CUSTOMER SERVICE ORGANIZATION

Plan of: MASSACHUSETTS AVE.- ACTON

Showing Proposed: CUSTOMER CONDUIT LOCATION

SCALE: 1 inch = 40 feet

DATE: 29 Aug 94

C 3:

PO #: 2417

WO #: 665586

SURVEYED BY:
DRAWN BY: M.E.O.
CHECKED BY: MEQ

APPROVED BY:
R.A. RUSCITTO

Proposed Construction
SHOWN THUS:

MASS LAW
REQUIRES 72 HOURS ADVANCE
NOTICE TO UTILITY COMPANIES
BEFORE DIGGING BY ANYONE
CALL DIG-SAFE 1-800-322-4844

NOTE:
The location of underground structures
are from plans and records and are
approximate only.

10/11/94 (2)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: October 7, 1994

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Town Accountant

As you may recall, Roy Wetherby was appointed Town Accountant last Fall when Mary Larson retired. The plan was to advertise for the position but have the selected candidate work under Roy's direction while we evaluated performance.

Sharon "Tess" Summers was selected as the best candidate to fill the position and, although her skill and competence was obvious from the start, we stayed with the original plan of having a "test" period. In this time we have been able to evaluate her handling of a difficult budget cycle, test her accounting skills, give her a leading roll in Ed Reform issues, see how she organizes and completes major projects and observe her interpersonal skills.

I am pleased to advise you that she excels in every area. She has exceptional skills and intelligence, she is thorough in her study and preparation, she understands her responsibilities completely and she puts her coworkers totally at ease. Her participation and input has already lead to many constructive changes within the organization. As we begin the FY96 budget cycle I expect Tess to play a major roll on the Financial Team. She will be charged with a great deal of the document preparation and, more importantly, I expect her creativity and experience to contribute heavily to our problem solving efforts.

I take a great deal of pleasure and confidence in recommending that the Board appoint Sharon "Tess" Summers to the position of Town Accountant. She has been scheduled to appear before you Tuesday evening, October 11, for an interview in this regard. If the Board agrees with this recommendation and makes the appointment, Roy will relinquish the Town Accountant's title but retain his hat as Finance Director.

If you have any questions I would be happy to address them Tuesday or, if you prefer, I would welcome your call.

A handwritten signature in black ink, appearing to be 'Don', is located to the right of the second paragraph.

cc: Tess Summers
Roy Wetherby
John Murray

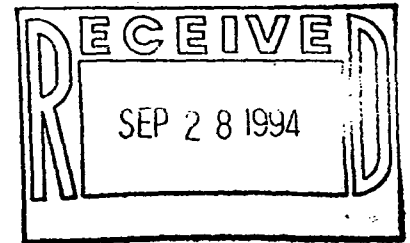
JOSEPH W. GLANNON

ATTORNEY AT LAW
63 WILLOW STREET
ACTON, MASSACHUSETTS 01720

(617) 573-8188

(508) 263-2823

CHRIS - PLS. PLACE UNDER
SELECTMEN'S BUSINESS
FOR 10/11 MEETING.



September 19, 1994

Nancy Tavernier
Board of Selectmen
Town of Acton
Town Hall
Acton, MA 01720

Dear Ms. Tavernier:

I am writing to you on a subject over which we have had considerable interaction in the past -- sewers and South Acton. There has not been much public ferment on the issue in the last year or two, in part because negotiations have been going on with Maynard, as well as the prospect of a small district tied into a package treatment plant sited at the new development on Great Hill.

As you know, I have periodically questioned you about the progress on the issue, both as a South Acton citizen and, more selfishly, as the owner of a house on a small lot in South Acton.

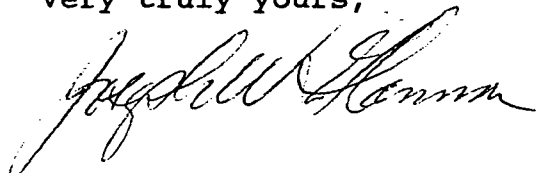
I want to stress to you and the board that this issue continues to be a fundamental need for the healthy development of South Acton Center. Recently, I moved from my house on School Street, and have been trying to sell it. The house has a cesspool and a small lot, classic South Acton conditions. Particularly in view of the new Title V regulations, I have found buyers particularly shy about this issue. At the same time, I am reluctant to go out and replace the system, which functioned without any problems during the ten years I lived there. It hardly makes economic sense to put in a new system, only to have the sewer system established shortly thereafter. Nor would it make sense from the town's point of view; if the system is replaced, the new owner is hardly likely to support sewerage, or to join a new sewer district if there is a choice not to do so.

Thus, in a sense, the town's groping efforts in the direction of sewerage place me in a particularly difficult position. If sewerage were out of the question, I would know my options; as is, it is hard to address the issue in the light of the continuing ambiguity about alternatives.

I urge the board to resolve the issue of a small package treatment plant for South Acton Center as quickly as possible, one way or the other. Although a new possibility has arisen, a plant at the Concord Auto Auction site, this is not incompatible with an interim solution on Great Hill. If a package plant is located there, it can be sold and the collectors tied in to a later plant. If, on the other hand, the town drags along in hopes that a plant will be built on the Auto Auction site, I foresee another indefinite delay in addressing the problem.

I would appreciate a report from the Board or the town manager concerning the status of the Great Hill proposal. If appropriate, I would be pleased to meet with you to discuss the issue at your convenience.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Joseph W. Glannon".

Joseph W. Glannon

cc: Doug Halley

10/11/94 - (5)

Acton, Troop 11
c/o Donald R. Cameron
103 High Street
Acton, Massachusetts 01720

Board Of Selectmen
Town of Acton
462 Main Street
Acton, Massachusetts
01720

Dear Members of the Board:

On behalf of the Boy Scouts of America, Troop 11, Acton, Massachusetts, I am pleased to inform you that Justin Reilly has attained the rank of Eagle Scout, the highest rank in Scouting.

We are planning to recognize this achievement at a Court of Honor to be held at 7:30 PM on December 9, 1994 at the Acton Congregational Church, Concord Road, Acton.

In order to acknowledge this positive achievement, I would be glad to convey any congratulatory message or recognition which you might wish to send. I am sure that you would want to honor such a positive achievement in some manner. Should schedules permit, your representation at the ceremony would be most welcome.

Thank you for your attention in this matter and for your continued support of Scouting.

Very truly yours,



Donald R. Cameron
Troop 11 Committee

10/11/94 - (5)

Acton, Troop 11
c/o Donald R. Cameron
103 High Street
Acton, Massachusetts 01720

Board Of Selectmen
Town of Acton
462 Main Street
Acton, Massachusetts
01720

Dear Members of the Board:

On behalf of the Boy Scouts of America, Troop 11, Acton, Massachusetts, I am pleased to inform you that Weber Hsiao has attained the rank of Eagle Scout, the highest rank in Scouting.

We are planning to recognize this achievement at a Court of Honor to be held at 7:30 PM on November 25, 1994 at the Acton Congregational Church, Concord Road, Acton.

In order to acknowledge this positive achievement, I would be glad to convey any congratulatory message or recognition which you might wish to send. I am sure that you would want to honor such a positive achievement in some manner. Should schedules permit, your representation at the ceremony would be most welcome.

Thank you for your attention in this matter and for your continued support of Scouting.

Very truly yours,



Donald R. Cameron
Troop 11 Committee

10/11/94-6+7

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

October 7, 1994

TO: Managers Office
FROM: Tom Tidman, Conservation Administrator
SUBJECT: 61 Offers, Pannell, Newsham

Pannell, Carlisle Road

The Conservation Commission would not encourage the selectmen to pursue purchasing the Pannell parcel. It appears that the current P&S agreement for the Pannell land is with Northwest Structures, Inc., we have had good success in developing usable open space agreements with this company. This may prove to be significant on the Pannell parcel, as the abutting Marshall land is also being developed by Northwest Structures. Potentially allowing for open space on each lot to be linked.

Newsham, 45 Piper Road

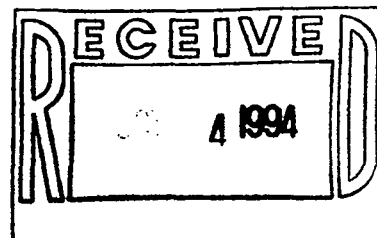
The Conservation Commission sees no value in the town purchasing this parcel of land for either passive or active recreational use.

10/11/94 - (6)

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE: 10/4/94

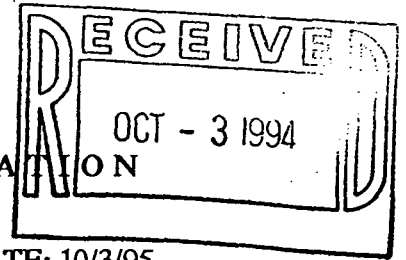
TO: Don P. Johnson, Town Manager
FROM: Donna Jacobs, Assistant Planner *D. Jacobs*
SUBJECT: Walter Newsham, Ch. 61 Notification
Map H-3
Parcel 13
45 Piper Road



Please be advised that the Planning Board voted at its meeting of 10/3/94 to recommend that the Selectmen not exercise the Town's option for the above named land. The Board makes this recommendation because this parcel is in an area where there is no abutting town owned land, but there is ample open space already provided. This parcel is one of the two parcels which comprise the approved MacGregor Lane Definitive Subdivision, a subdivision which divides 17.5 acres into 3 new building lots.

dw11*59

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION



DATE: 10/3/95

TO: Don P. Johnson, Town Manager
FROM: David F. Abbt, Engineering Administrator
SUBJECT: Ch. 61A Offers
Pannell, Carlisle Road
Newsham, Piper Road

D. Abbt

Pannell, Carlisle Road, Map C-6, Parcel 9

This land is part of the proposed "Marshall Crossing" subdivision currently before the Planning Board for approval. A portion of this land will be a "common land" parcel that will remain open space. There is a small parcel of Town-owned (tax title) land that abuts this property. I don't see any particular reason why the Town would want to exercise this option.

Newsham, Piper Road, Map H-3, Parcel 13

This property has been subdivided as "MacGregor Way". The 13 acres in this parcel plus an abutting parcel are being divided into three new buildings lots (total 17.5 acres). There is no abutting town land and no other reasons I know of why the Town should exercise this option.

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 10/6/94

TO: Don P. Johnson, Town Manager

FROM: Brian McMullen, Assistant Assessor 

SUBJECT: Newsham- Chptr 61 Offer

I have reviewed the copy of the purchase and sale agreement pending on the Newsham property at 45 Piper Rd. This portion of the property was assessed for \$62,500 but only paid tax on an assessment of \$3,275 under the provisions of Chapter 61 forestry. The Rollback tax and interest on this portion was \$9,956.97 and has been paid since November 24, 1993.

Please do not hesitate to contact me if you need any additional information.

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Dor P. Johnson
Town Manager

September 26, 1994

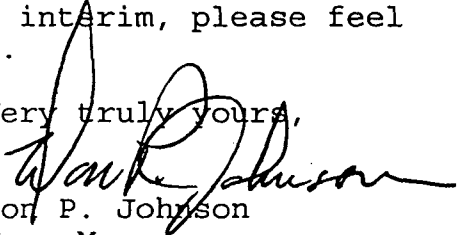
Mr. Walter Newsham
45 Piper Road
Acton, MA 01720

Dear Mr. Newsham:

I am in receipt of your letter to the Acton Board of Selectmen, dated September 19, 1994, regarding your receipt of a bona fide offer to sell your property currently/formerly in Chapter 61. Town departments have received a copy of your submitted information and will be reporting back to me for Board of Selectmen consideration at their regularly scheduled meeting of October 11, 1994.

If you have any questions in the interim, please feel free to contact my office at 264-9612.

Very truly yours,



Dor P. Johnson
Town Manager

cc: Board of Selectmen



INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

DATE: Sept. 20, 1994

TO: 61. Committee, Conservation, Planning, Assessor's Office
Municipal Properties, Engineering

FROM: Town Manager's Office

SUBJECT: 61 Offer - Walter B. Newsham, 45 Piper Road

The Board of Selectmen's Office is in receipt of a bona fide Purchase and Sales Agreement on the subject property. Under the provisions of Chapter 61 the Board of Selectmen has the right of first refusal on the property.

Please review the attached offer and send comments and recommendations (e.g. What is the assessed value? What are the recapture taxes/penalties? Have they been paid? What is the zoning? What are the development potentials or plan? What is the value of the property to the Town? Please forward your comments to the Board for inclusion on the October 11th Selectmen's Agenda.

cc: Board of Selectmen

WALTER B. NEWSHAM
45 PIPER ROAD
ACTON, MA 01720

September 19, 1994

Board of Selectmen
Town of Acton
Acton, MA 01720

Dear Board Members:

On November 20, 1993, I entered into an agreement to sell a parcel of land, consisting of thirteen (13) acres more or less, which is a portion of the property which I own at 45 Piper Road.

As per the requirement that the Town of Acton be notified of the imminent sale of a property formerly assessed under the provisions of Chapter 61 in order to be given the right of first refusal, we wish this letter to serve as notice thereof.

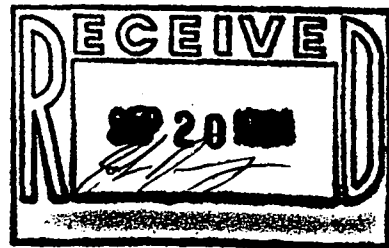
Please contact me if you wish to have further clarification of this matter. My telephone number is 263-4905.

Sincerely yours,


Walter B. Newsham

WBN/cn
Enc.

cc: D'Agostine, Levine & Gordon, P.C.
Attention: Cathy S. Netburn



STANDARD FORM
PURCHASE AND SALE AGREEMENT

From the Office of:
E. A. Hill & Company, Ltd.
60 Great Road
Acton, MA 01720

This 20th day of November 1993
Walter B. Newsham & Norma E. Newsham
45 Piper Road, Acton, MA 01720

PARTIES
AND MAILING
ADDRESSES

(fill in)

hereinafter called the SELLER, agrees to SELL and
Authentic Homes, Inc.
98 Charter Road, Acton, MA 01720

hereinafter called the BUYER or PURCHASER, agrees to BUY, upon the terms hereinafter set forth, the
following described premises: Land: Consisting of thirteen (13) acres, more
or less, part of the property located at 45 Piper Road, Acton, Mass.,
and recorded at the South Middlesex Registry of Deeds, Book 13965,
Page 9.

2. DESCRIPTION
(fill in and include
title reference)

3. BUILDINGS,
STRUCTURES,
IMPROVEMENTS,
FIXTURES

(fill in or delete)

Included in the sale as a part of said premises are the buildings, structures, and improvements now
thereon, and the fixtures belonging to the SELLER and used in connection therewith including, if any, all
wall-to-wall carpeting, drapery rods, automatic garage door openers, venetian blinds, window shades,
screens, screen doors, storm windows and doors, awnings, shutters, furnaces, heaters, heating
equipment, stoves, ranges, oil and gas burners and fixtures appurtenant thereto, hot water heaters,
plumbing and bathroom fixtures, garbage disposers, electric and other lighting fixtures, mantels, outside
television antennas, fences, gates, trees, shrubs, plants, and, ONLY IF BUILT IN, refrigerators, air
conditioning equipment, ventilators, dishwashers, washing machines and dryers; and

but excluding

4. TITLE DEED
(fill in)

* Include here by specific
reference any restric-
tions, easements, rights
and obligations in party
not included in (b),
es, municipal and
other liens, other encum-
brances, and make pro-
vision to protect
SELLER against BUYER's
breach of SELLER's
covenants in leases,
where necessary.

Said premises are to be conveyed by a good and sufficient quitclaim deed running to the BUYER, or to
the nominee designated by the BUYER by written notice to the SELLER at least seven days
before the deed is to be delivered as herein provided, and said deed shall convey a good and clear
record and marketable title thereto, free from encumbrances, except

- (a) Provisions of existing building and zoning laws;
- (b) Existing rights and obligations in party walls which are not the subject of written agreement;
- (c) Such taxes for the then current year as are not due and payable on the date of the delivery of
such deed;
- (d) Any liens for municipal betterments assessed after the date of this agreement;
- (e) Easements, restrictions and reservations of record, if any, so long as the same do not prohibit
or materially interfere with the current use of said premises;

(f) subdivision

for a single family
new home

5. PLANS

If said deed refers to a plan necessary to be recorded therewith the SELLER shall deliver such plan
with the deed in form adequate for recording or registration.

6. REGISTERED
TITLE

In addition to the foregoing, if the title to said premises is registered, said deed shall be in form sufficient
to entitle the BUYER to a Certificate of Title of said premises, and the SELLER shall deliver with said
deed all instruments, if any, necessary to enable the BUYER to obtain such Certificate of Title.

7. PURCHASE PRICE
(fill in); space is
allowed to write
out the amounts
if desired

The agreed purchase price for said premises is

dollars, of which

\$ 3,000.00

have been paid as a deposit this day and

\$
\$

are to be paid at the time of delivery of the deed in cash, or by certified,
cashier's, treasurer's or bank check(s).

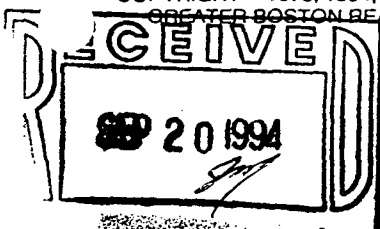
\$
\$

TOTAL *To be determined; see Schedule "A".

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GREATER BOSTON REAL ESTATE BOARD



All rights reserved. This form may not be copied or reproduced in
whole or in part in any manner whatsoever without the prior express
written consent of the Greater Boston Real Estate Board.



2. TIME FOR PERFORMANCE; DELIVERY OF DEED (fill in) Such deed is to be delivered at 2:00 o'clock P.M. on the 21st day of November 1994, at the South Middlesex Registry of Deeds, unless otherwise agreed upon in writing. It is agreed that time is of the essence of this agreement. *Closing on or before thirty (30) days after all town approvals.
- POSSESSION AND CONDITION OF PREMISE. (attach a list of exceptions, if any) Full possession of said premises free of all tenants and occupants, except as herein provided, is to be delivered at the time of the delivery of the deed, said premises to be then (a) in the same condition as they now are, reasonable use and wear thereof excepted and (b) not in violation of said building and zoning laws and (c) in compliance with provisions of any instrument referred to in clause 4 hereof. The BUYER shall be entitled personally to inspect said premises prior to the delivery of the deed in order to determine whether the condition thereof complies with the terms of this clause.
10. EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM (Change period of time if desired). If the SELLER shall be unable to give title or to make conveyance, or to deliver possession of the premises, all as herein stipulated, or if at the time of the delivery of the deed the premises do not conform with the provisions hereof, then any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto, unless the SELLER shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said premises conform to the provisions hereof, as the case may be, in which event the SELLER shall give written notice thereof to the BUYER at or before the time for performance hereunder, and thereupon the time for performance hereof shall be extended for a period of thirty days.
11. FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM, etc. If at the expiration of the extended time the SELLER shall have failed so to remove any defects in title, deliver possession, or make the premises conform, as the case may be, all as herein agreed, or if at any time during the period of this agreement or any extension thereof, the holder of a mortgage on said premises shall refuse to permit the insurance proceeds, if any, to be used for such purposes, then any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto.
12. BUYER'S ELECTION TO ACCEPT TITLE The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to the said premises in their then condition and to pay therefore the purchase price without deduction, in which case the SELLER shall convey such title, except that in the event of such conveyance in accord with the provisions of this clause, if the said premises shall have been damaged by fire or casualty insured against, then the SELLER shall, unless the SELLER has previously restored the premises to their former condition, either
- (a) pay over or assign to the BUYER, on delivery of the deed, all amounts recovered or recoverable on account of such insurance, less any amounts reasonably expended by the SELLER for any partial restoration, or
- (b) if a holder of a mortgage on said premises shall not permit the insurance proceeds or a part thereof to be used to restore the said premises to their former condition or to be so paid over or assigned, give to the BUYER a credit against the purchase price, on delivery of the deed, equal to said amounts so recovered or recoverable and retained by the holder of the said mortgage less any amounts reasonably expended by the SELLER for any partial restoration.
13. ACCEPTANCE OF DEED The acceptance of a deed by the BUYER or his nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after the delivery of said deed.
14. USE OF MONEY TO CLEAR TITLE To enable the SELLER to make conveyance as herein provided, the SELLER may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed.
15. INSURANCE *Insert amount (list additional types of insurance and amounts as agreed) Until the delivery of the deed, the SELLER shall maintain insurance on said premises as follows:
- | Type of Insurance | Amount of Coverage |
|--------------------------------|---|
| (a) Fire and Extended Coverage | \$ Liability insurance to be maintained by Buyer. |
| (b) | |
16. ADJUSTMENTS (list operating expenses, if any, or attach schedule) ~~Collected rents, mortgage interest, water and sewer use charges, operating expenses (if any) according to the schedule attached hereto or set forth below, and taxes for the then current fiscal year, shall be apportioned and fuel value shall be adjusted, as of the day of performance of this agreement and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the BUYER at the time of delivery of the deed. Uncollected rents for the current rental period shall be apportioned if and when collected by either party.~~

17. ADJUSTMENT
OF UNASSESSED
AND
ABATED TAXES

If the amount of said taxes is not known at the time of the delivery of the deed, they shall be apportioned on the basis of the taxes assessed for the preceding fiscal year, with a reapportionment as soon as the new tax rate and valuation can be ascertained; and, if the taxes which are to be apportioned shall thereafter be reduced by abatement, the amount of such abatement, less the reasonable cost of obtaining the same, shall be apportioned between the parties, provided that neither party shall be obligated to institute or prosecute proceedings for an abatement unless herein otherwise agreed.

BROKER'S FEE
(fill in fee with
dollar amount or
percentage; also
name of Brokerage
firm(s))

A Broker's fee for professional services of
is due from the SELLER to E. A. Hill & Company, Ltd.*
See attached Schedule "A".

*If and when papers are passed, but
not otherwise.

the Broker(s) herein, but if the SELLER pursuant to the terms of clause 21 hereof retains the deposits made hereunder by the BUYER, said Broker(s) shall be entitled to receive from the SELLER an amount equal to one-half the amount so retained or an amount equal to the Broker's fee for professional services according to this contract, whichever is the lesser.

19. BROKER(S)
WARRANTY
(fill in name)

The Broker(s) named herein E. A. Hill & Company, Ltd.
warrant(s) that the Broker(s) is(are) duly licensed as such by the Commonwealth of Massachusetts.

20. DEPOSIT
(fill in name)

All deposits made hereunder shall be held in escrow by E. A. Hill & Company, Ltd.
as escrow agent subject to the terms of this agreement and shall be duly accounted for at the time for performance of this agreement. In the event of any disagreement between the parties, the escrow agent may retain all deposits made under this agreement pending instructions mutually given by the SELLER and the BUYER.

21. BUYER'S
DEFAULT;
DAMAGES

If the BUYER shall fail to fulfill the BUYER's agreements herein, all deposits made hereunder by the BUYER shall be retained by the SELLER as liquidated damages ~~unless within thirty days after the time for performance of this agreement or any extension hereof, the SELLER otherwise notifies the BUYER in writing; and this shall be the Sellers' sole and exclusive remedy, both~~
at law and in equity.

22. RELEASE BY
HUSBAND OR
WIFE

The SELLER's spouse hereby agrees to join in said deed and to release and convey all statutory and other rights and interests in said premises.

23. BROKER AS
PARTY

The Broker(s) named herein join(s) in this agreement and become(s) a party hereto, insofar as any provisions of this agreement expressly apply to the Broker(s), and to any amendments or modifications of such provisions to which the Broker(s) agree(s) in writing.

24. LIABILITY OF
TRUSTEE,
SHAREHOLDER,
BENEFICIARY, etc.

If the SELLER or BUYER executes this agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the SELLER or BUYER so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.

25. WARRANTIES AND
REPRESENTATIONS
(fill in); if none,
state "none"; if
any listed, indicate
by whom each war-
ranty or represen-
tation was made

The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this agreement or previously made in writing, except for the following additional warranties and representations, if any, made by either the SELLER or the Broker(s):

26. MORTGAGE
CONTINGENCY
CLAUSE
(omit if not
provided for
in Offer to
Purchase)

In order to help finance the acquisition of said premises, the BUYER shall apply for a conventional bank or other institutional mortgage loan of \$ _____ at prevailing rates, terms and conditions. If despite the BUYER's diligent efforts a commitment for such loan cannot be obtained on or before _____, 19____ the BUYER may terminate this agreement by written notice to the SELLER and/or the Broker(s), as agent(s) for the SELLER, prior to the expiration of such time, whereupon any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto. In no event will the BUYER be deemed to have used diligent efforts to obtain such commitment unless the BUYER submits a complete mortgage loan application conforming to the foregoing provisions on or before _____, 19____.

27. CONSTRUCTION
OF AGREEMENT

This instrument, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and enures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be cancelled, modified or amended only by a written instrument executed by both the SELLER and the BUYER. If two or more persons are named herein as BUYER their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this agreement or to be used in determining the intent of the parties to it.

28. LEAD PAINT
LAW

The parties acknowledge that, under Massachusetts law, whenever a child or children under six years of age resides in any residential premises in which any paint, plaster or other accessible material contains dangerous levels of lead, the owner of said premises must remove or cover said paint, plaster or other material so as to make it inaccessible to children under six years of age.

29. SMOKE
DETECTORS

The SELLER shall, at the time of the delivery of the deed, deliver a certificate from the fire department of the city or town in which said premises are located stating that said premises have been equipped with approved smoke detectors in conformity with applicable law.

30. ADDITIONAL
PROVISIONS

The initialed riders, if any, attached hereto, are incorporated herein by reference.

*See Schedule "A" attached.

FOR RESIDENTIAL PROPERTY CONSTRUCTED PRIOR TO 1978, BUYER MUST ALSO HAVE SIGNED
LEAD PAINT "PROPERTY TRANSFER NOTIFICATION CERTIFICATION"

NOTICE: This is a legal document that creates binding obligations. If not understood, consult an attorney.

SELLER (or spouse) Norma E. Newsham

SELLER Walter B. Newsham

BUYER Authentic Homes, Inc. (President)

BUYER Authentic Homes, Inc. (Treasurer)

Broker(s) E. A. Hill & Company, Ltd.

EXTENSION OF TIME FOR PERFORMANCE

Date _____

The time for the performance of the foregoing agreement is extended until _____ o'clock _____ M. on the _____ day of _____, 19____, time still being of the essence of this agreement as extended. In all other respects, this agreement is hereby ratified and confirmed.

This extension, executed in multiple counterparts, is intended to take effect as a sealed instrument.

SELLER (or spouse)

SELLER

BUYER

BUYER

Broker(s)

SCHEDULE "A"

1. If only three (3) building lots are possible on the combined acreage of both parcels of land, Buyer agrees to pay \$100,000.00.
2. If more than three (3) building lots are able to be developed, the Buyer agrees to pay the Sellers an additional sum on a per lot basis.

4 Lots	\$145,000.
5 Lots	200,000.
6 Lots	255,000.

3. Sellers agree to co-operate in selling their property to the Buyer. Buyer will only purchase land in conjunction with purchase of abutting land at 47 Piper Road, Acton, Massachusetts.
4. Sellers give authorization to the Buyer to further test the land. Buyer is to restore land to original condition as best as possible.
5. Buyer agrees to cut no tree more than eight inches (8") in girth.
6. Buyer agrees to carry all necessary Liability Insurance and to give Sellers copies of the insurance certificate, and insurance shall stay in force until all test sites are ~~restored to present owners' approval~~ or property is conveyed. *reasonably restored to original condition*
7. The Buyer agrees to be responsible for the costs of all soil testing, surveying, and the preparation of all plans necessary to obtain all town approvals and the creation of all necessary deeds. *7/6/91*
8. In the event that the property in question is not conveyed, the Buyer agrees to make available to the Sellers all testing and engineering data and all plans at no cost to the Sellers.
9. If more than six (6) building lots are able to be developed on any portion of the combined acreage, the Buyer agrees to pay \$60,000.00 per additional lot and the total amount is to go to Mr. and Mrs. Newsham.
10. Sellers agree to pay broker, E. A. Hill & Company, Ltd., 5% on the first \$100,000.00 and 3.5% on the balance of the final sale price of the two parcels.
11. Sale is subject to the Town's first right of refusal *pursuant to paragraph 11 continuation sheet attached hereto & incorporated herein.*
12. This Purchase and Sale Agreement will survive the conveyance of deed. *9/1/91 W.B.N.*

Walter B. Newsham
SELLER Walter B. Newsham

[Signature]
BUYER Authentic Homes, Inc. (Pres.)

Norma E. Newsham
SELLER Norma E. Newsham

[Signature]
BUYER Authentic Homes, Inc. (Treas.)

[Signature]
BROKER E. A. Hill & Company, Ltd.

SCHEDULE A TO PURCHASE AND SALE AGREEMENT CONTINUED

11. (continued) Buyer and Seller hereby acknowledge and understand that the premises are presently under M.G.L. ch. 61A, and accordingly, the Town of Acton has a right of first refusal to purchase same, and one hundred and twenty (120) days after notification to waive said right. Seller agrees that it will promptly give notification to the appropriate town boards for the Town of Acton in accordance with M.G.L. ch. 61A, and that it will copy Buyer in on such notification letters. Buyer and Seller hereby further acknowledge and understand that Buyer's performance hereunder is expressly subject to and contingent upon the Town of Acton waiving its rights to purchase the premises. In the event the Town of Acton elects to purchase the premises or any portion thereof, Buyer shall have the right to terminate this Agreement and all deposits shall be returned to Buyer and the parties shall have no further recourse. Provided however and always that in the event the Seller does not give timely and/or proper notice to the Town of Acton, and as a result the Seller is not able to obtain the waiver of the Town's right to purchase, and accordingly Seller is not able to convey good, record, marketable title at the time set for closing, Seller shall be required to take whatever steps may be necessary to renotify the Town and obtain said waiver, and the date for closing shall be automatically extended without penalty or recourse to the Buyer.

10/11/94 - (7)

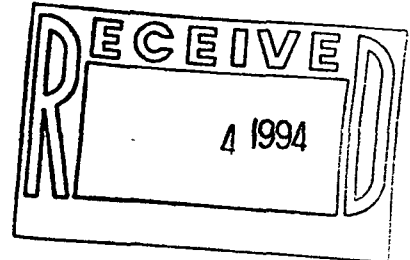
TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE: 10/4/94

TO: Don P. Johnson, Town Manager

FROM: Donna Jacobs, Assistant Planner *D. Jacobs*

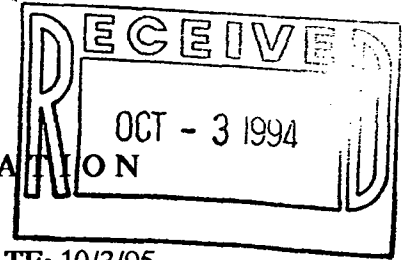
SUBJECT: Pannell Realty Trust, Ch. 61 Notification
Map C-6
Parcel 9
Carlisle Road



Please be advised that the Planning Board voted at their meeting of 9/26/94 to recommend that the Selectmen not exercise the Town's option for the above named land. The Board makes this recommendation because this parcel is one of the two parcels which comprise the proposed Marshall Crossing PCRC located off of Carlisle Road. Since the land will be developed as a PCRC with 60% of the land area preserved as open space, it isn't necessary for the town to incur expense to preserve open space in this instance.

dw11*51

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION



DATE: 10/3/95

TO: Don P. Johnson, Town Manager
FROM: David F. Abbt, Engineering Administrator
SUBJECT: Ch. 61A Offers
Pannell, Carlisle Road
Newsham, Piper Road

D. Abbt

Pannell, Carlisle Road, Map C-6, Parcel 9

This land is part of the proposed "Marshall Crossing" subdivision currently before the Planning Board for approval. A portion of this land will be a "common land" parcel that will remain open space. There is a small parcel of Town owned (tax title) land that abuts this property. I don't see any particular reason why the Town would want to exercise this option.


Newsham, Piper Road, Map H-3, Parcel 12

This property has been subdivided as "MacGregor Way". The 13 acres in this parcel plus an abutting parcel are being divided into three new buildings lots (total 17.5 acres). There is no abutting town land and no other reasons I know of why the Town should exercise this option.

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE: 10/6/94

TO: Don P. Johnson, Town Manager

FROM: Brian McMullen, Assistant Assessor 

SUBJECT: Pannell- Chptr 61 Offer

I have reviewed the copy of the purchase and sale agreement pending on the Pannell property off Carlisle Rd. The property is currently assessed for \$91,800 but pays tax on an assessment of \$4,587 under the provisions of Chapter 61 Forestry. The Rollback tax and interest on this property as of October 31, 1994 is approximately \$21,300.

Please do not hesitate to contact me if you need any additional information.

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

DATE: Sept. 26, 1994

TO: 61A Committee, Conservation, Planning, Assessor's Office
Municipal Properties, Engineering

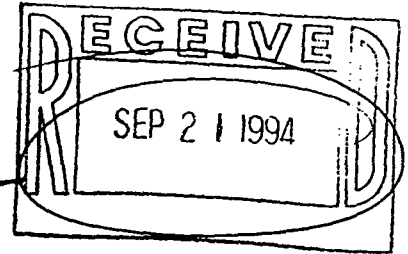
FROM: Town Manager's Office

SUBJECT: 61 Offer - Pannell, Carlisle Road

The Board of Selectmen's Office is in receipt of a notice to remove property from Classification under M.G.L. Chapter 61 on the subject property. Under the provisions of Chapter 61 the Board of Selectmen has the right of first refusal on the property.

Please review the attached offer and send comments and recommendations (e.g. What is the assessed value? What are the recapture taxes/penalties? Have they been paid? What is the zoning? What are the development potentials or plan? What is the value of the property to the Town? Please forward your comments to the Board for inclusion on the October 11th Selectmen's Agenda.

cc: Board of Selectmen



August 18, 1994

VIA CERTIFIED MAIL

Town of Acton Board of Selectmen
c/o of the Acton Town Clerk
472 Main Street
Acton, Massachusetts 01720

Re: Property of Gladys D. Pannell/Notice of Intent to remove
property from classification under M.G.L. Chapter 61.

Dear Sir or Madam:

This is to indicate my intent to remove the below-described
property from classification as forested land in accordance with
the provisions of M.G.L. Chapter 61 Section 8. The property to be
removed consists of 21 acres, more or less, on Carlisle Road in
Acton and is more particularly described in a deed recorded with
the Middlesex South District Registry of Deeds at Book 20360, Page
76. The record owner of the property to be removed is Gladys D.
Pannell, Trustee of the Gladys D. Pannell Realty Trust.

Please do not hesitate to contact me if you need additional
information.

Very truly yours,

Gladys D. Pannell
Gladys D. Pannell, Trustee
Gladys D. Pannell Realty Trust

CC: 61A COMMITTEE
CC: ASSESSING
CONSERVATION
MUNICIPAL PROPERTIES
ENGINEERING
PLANNING

PLEASE SEND YOUR COMMENTS
& RECOMMENDATIONS BY THURS.,
OCT. 6 FOR CONSIDERATION
BY BOS @ THEIR OCT. 11 MTG.

CHRISTINE:

- 1) SCHEDULE UNDER SELECTMEN'S BUSINESS, 10/11/94.
- 2) RETAIN POST MARKED ENVELOPE FOR CORRECT TIME LIMITS.
(POST MARKED 9/19/94)

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Don P. Johnson
Town Manager

September 22, 1994

Ms. Gladys D. Pannell, Trustee
Gladys D. Pannell Realty Trust
c/o McWalter, Barron & Boisvert, P.C.
30 Monument Square
Concord, Massachusetts 01742-1857

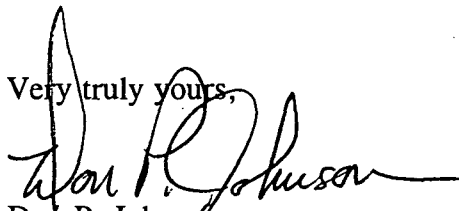
Dear Ms. Pannell:

I am in receipt of your certified letter to the Acton Board of Selectmen, dated August 18, 1994 (received September 21, 1994), regarding the planned removal of your land from the provisions of Chapter 61. I will be placing a copy of this correspondence in the Selectmen's mail this weekend and scheduling this subject for their consideration after all appropriate reports have been received from Town Departments.

In the meantime, you should be aware that the Selectmen do not consider a notice of the intended removal of land from Chapter 61 to be complete without the submission of a bona fide offer or Purchase and Sales agreement as stipulated under the statute. The Selectmen may be willing to give you an early indication of their interests but you should be aware that they may prefer to wait for the bona fide offer. In either case, the Board does not consider the clock to have started on the 120 day notification period until after the full offer has been presented. Upon receipt of this information the Board will determine whether the Town has an interest in exercising its right of first refusal by matching the offer.

If you have any questions in this regard, please feel free to call me at (508) 264-9612.

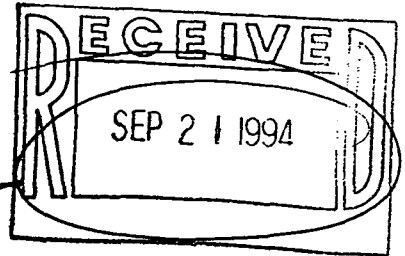
Very truly yours,



Don P. Johnson
Town Manager

cc: Board of Selectmen

DPJ:137



August 18, 1994

VIA CERTIFIED MAIL

Town of Acton Board of Selectmen
c/o of the Acton Town Clerk
472 Main Street
Acton, Massachusetts 01720

Re: Property of Gladys D. Pannell/Notice of Intent to remove
property from classification under M.G.L. Chapter 61.

Dear Sir or Madam:

This is to indicate my intent to remove the below-described property from classification as forested land in accordance with the provisions of M.G.L. Chapter 61 Section 8. The property to be removed consists of 21 acres, more or less, on Carlisle Road in Acton and is more particularly described in a deed recorded with the Middlesex South District Registry of Deeds at Book 20360, Page 576. The record owner of the property to be removed is Gladys D. Pannell, Trustee of the Gladys D. Pannell Realty Trust.

Please do not hesitate to contact me if you need additional information.

Very truly yours,

Gladys D. Pannell
Gladys D. Pannell, Trustee
Gladys D. Pannell Realty Trust

CC: 61A COMMITTEE
CC: ASSESSING
CONSERVATION
MUNICIPAL PROPERTIES
ENGINEERING
PLANNING

PLEASE SEND YOUR COMMENTS
& RECOMMENDATIONS BY THURS.,
OCT. 6 FOR CONSIDERATION
BY BOS @ THEIR OCT. 11 MTG.

CHRISTINE:

- 1) SCHEDULE UNDER SELECTMEN'S BUSINESS, 10/11/94.
- 2) RETAIN POST MARKED ENVELOPE FOR CORRECT TIME LIMITS.
(POST MARKED 9/19/94)

McWALTER, BARRON & BOISVERT, P.C.
ATTORNEYS AT LAW
30 MONUMENT SQUARE
CONCORD, MASSACHUSETTS 01742-1857

CERTIFIED

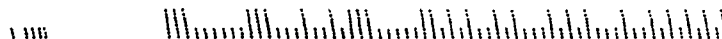
P 379 104 725

MAIL

MBR 01613 DER #2

Town of Acton Board of Selectmen
c/o of the Acton Town Clerk
472 Main Street
Acton, MA 01720

NAME _____
1st Office _____
2nd Office _____
Return _____



GRAHAM & HARSIP, P.C.

ATTORNEYS AT LAW
STRAWBERRY HILL BUILDING
289 GREAT ROAD
ACTON, MA 01720

STEVEN R. GRAHAM
BARRY S. HARSIP

TEL: (508) 264-0480
FAX: (508) 264-4990

LAURA B. MOODY

October 4, 1994

HAND DELIVERED

Don P. Johnson, Town Manager
Town of Acton
472 Main Street
Acton, MA 01720

Re: Gladys D. Pannell, Trustee of Gladys D. Pannell
Realty Trust - Property Off Carlisle Road, Acton

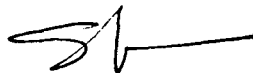
Dear Don:

A copy of your letter dated September 22, 1994 was forwarded to my office by Gladys D. Pannell's attorney, Laurence S. Boisvert. In light of the fact that my client, Northwest Structures, Inc., is the proposed buyer of the Pannell property, I have advised Mr. Boisvert that I would provide you with copies of the Purchase and Sale Agreement entered into between our clients. For your convenience, I have enclosed eight copies of the Purchase and Sale Agreement.

Should you need any additional information, please feel free to give me a call.

Very truly yours,

GRAHAM & HARSIP, P.C.



Steven R. Graham

SRG/jm
Enclosures
cc: Client

STANDARD FORM
PURCHASE AND SALE AGREEMENT

From the Office of:

This 24th day of May 19 94

1. PARTIES
AND MAILING
ADDRESSES

Gladys D. Pannell, Trustee of the Gladys D. Pannell Realty Trust
recorded with the Middlesex South District Registry of Deeds at
Book 20360, Page 569, 570 West Street, Carlisle, MA 01741
hereinafter called the SELLER, agrees to SELL and

Northwest Structures, Inc., 411 Massachusetts Avenue
Acton, MA 01720

(fill in)

hereinafter called the BUYER or PURCHASER, agrees to BUY, upon the terms hereinafter set forth, the
following described premises: a certain parcel of land consisting of 21 acres,
more or less, off Carlisle Road in Acton, Massachusetts, being more
particularly described in a deed recorded with Middlesex South District
Registry of Deeds at Book 20360, Page 576.

2. DESCRIPTION
(fill in and include
title reference)

3. BUILDINGS,
STRUCTURES,
IMPROVEMENTS,
FIXTURES

(fill in or delete)

~~Included in the sale as a part of said premises are the buildings, structures, and improvements now
thereon, and the fixtures belonging to the SELLER and used in connection therewith including, if any, all
wall-to-wall carpeting, drapery rods, automatic garage door openers, venetian blinds, window shades,
screens, screen doors, storm windows and doors, awnings, shutters, furnaces, heaters, heating
equipment, stoves, ranges, oil and gas burners and fixtures appurtenant thereto, hot water heaters,
plumbing and bathroom fixtures, garbage disposers, electric and other lighting fixtures, mantels, outside
television antennas, fences, gates, trees, shrubs, plants, and, ONLY IF BUILT IN, refrigerators, air
conditioning equipment, ventilators, dishwashers, washing machines and dryers, and~~

~~but excluding~~

Vacant Land

4. TITLE DEED
(fill in)

* Include here by specific
reference any restric-
tions, easements, rights
and obligations in party
walls not included in (b),
leases, municipal and
other liens, other encum-
brances, and make pro-
vision to protect
SELLER against BUYER's
breach of SELLER's
covenants in leases,
where necessary.

Said premises are to be conveyed by a good and sufficient quitclaim deed running to the BUYER, or to
the nominee designated by the BUYER by written notice to the SELLER at least seven days
before the deed is to be delivered as herein provided, and said deed shall convey a good and clear
record and marketable title thereto, free from encumbrances, except

(a) Provisions of existing building and zoning laws;

~~(b) Existing rights and obligations in party walls which are not the subject of written agreement;~~

(c) Such taxes for the then current year as are not due and payable on the date of the delivery of
such deed;

(d) Any liens for municipal betterments assessed after the date of this agreement;

(e) Easements, restrictions and reservations of record, if any, so long as the same do not prohibit
or materially interfere with the current use of said premises; intended use of the premises

(f) for single family residential building lots..

*and insurable (at ordinary rates)

5. PLANS

If said deed refers to a plan necessary to be recorded therewith the SELLER shall deliver such plan
with the deed in form adequate for recording or registration.

6. REGISTERED
TITLE

In addition to the foregoing, if the title to said premises is registered, said deed shall be in form sufficient
to entitle the BUYER to a Certificate of Title of said premises, and the SELLER shall deliver with said
deed all instruments, if any, necessary to enable the BUYER to obtain such Certificate of Title.

7. PURCHASE PRICE
(fill in); space is
allowed to write
out the amounts
if desired

The agreed purchase price for said premises is See Addendum A attached hereto and
incorporated herein by reference dollars, of which

\$ 10,000.00

have been paid as a deposit this day and

\$

\$

are to be paid at the time of delivery of the deed in cash, or by certified,
cashier's, treasurer's or bank check(s).

\$

\$

TOTAL



8. TIME FOR PERFORMANCE; DELIVERY OF DEED (fill in) Such deed is to be delivered at _____ o'clock _____ M. on the _____ day of _____, 19____, at the _____ See Addendum A attached hereto and incorporated herein by reference. Registry of Deeds,*unless otherwise agreed upon in writing. It is agreed that time is of the essence of this agreement,*or at the office of Buyer's attorney. Customary escrow arrangements shall prevail pending the recording of the deed. Said date and time is sometimes hereinafter referred to as the Closing Date.
9. POSSESSION AND CONDITION OF PREMISE. (attach a list of exceptions, if any) Full possession of said premises free of all tenants and occupants, except as herein provided, is to be delivered at the time of the delivery of the deed, said premises to be then (a) in the same condition as they now are, reasonable use and wear thereof excepted, and (b) not in violation of said building and zoning laws,*and (c) in compliance with provisions of any instrument referred to in clause 4 hereof. The BUYER shall be entitled personally to inspect said premises prior to the delivery of the deed in order to determine whether the condition thereof complies with the terms of this clause.*or of any environmental laws
10. EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM (Change period of time if desired). If the SELLER shall be unable to give title or to make conveyance, or to deliver possession of the premises, all as herein stipulated, or if at the time of the delivery of the deed the premises do not conform with the provisions hereof, then any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto, unless the SELLER shall use reasonable efforts to remove any defects in title,*or to deliver possession as provided herein, or to make the said premises conform to the provisions hereof, as the case may be, in which event the SELLER shall give written notice thereof to the BUYER at or before the time for performance hereunder, and thereupon the time for performance hereof shall be extended for a period of thirty days.*or to fulfill and satisfy such conditions and agreements.
11. FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM, etc. If at the expiration of the extended time the SELLER shall have failed so to remove any defects in title, deliver possession, or make the premises conform, as the case may be, all as herein agreed, or if at any time during the period of this agreement or any extension thereof, the holder of a mortgage on said premises shall refuse to permit the insurance proceeds, if any, to be used for such purposes, then any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto.
12. BUYER's ELECTION TO ACCEPT TITLE The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to the said premises in their then condition and to pay therefore the purchase price without deduction, in which case the SELLER shall convey such title, except that in the event of such conveyance in accord with the provisions of this clause, if the said premises shall have been damaged by fire or casualty insured against, then the SELLER shall, unless the SELLER has previously restored the premises to their former condition, either
- (a) pay over or assign to the BUYER, on delivery of the deed, all amounts recovered or recoverable on account of such insurance, less any amounts reasonably expended by the SELLER for any partial restoration, or
- (b) if a holder of a mortgage on said premises shall not permit the insurance proceeds or a part thereof to be used to restore the said premises to their former condition or to be so paid over or assigned, give to the BUYER a credit against the purchase price, on delivery of the deed, equal to said amounts so recovered or recoverable and retained by the holder of the said mortgage less any amounts reasonably expended by the SELLER for any partial restoration.
13. ACCEPTANCE OF DEED The acceptance of a deed by the BUYER or his nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after the delivery of said deed.
14. USE OF MONEY TO CLEAR TITLE To enable the SELLER to make conveyance as herein provided, the SELLER may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed.
15. INSURANCE *Insert amount (list additional types of insurance and amounts as agreed) Until the delivery of the deed, the SELLER shall maintain insurance on said premises as follows:
- | Type of Insurance | Amount of Coverage |
|--------------------------------|-----------------------------------|
| (a) Fire and Extended Coverage | *\$ As Presently Insured - Seller |
| (b) | presently has no insurance |
16. ADJUSTMENTS (list operating expenses, if any, or attach schedule) ~~Collected rents, mortgage interest, water and sewer use charges, operating expenses (if any) according to the schedule attached hereto or set forth below, and taxes for the then current fiscal year, shall be apportioned and fuel value shall be adjusted, as of the day of performance of this agreement and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the BUYER at the time of delivery of the deed. Uncollected rents for the current rental period shall be apportioned if and when collected by either party.~~

17. ADJUSTMENT OF UNASSESSED AND ABATED TAXES If the amount of said taxes is not known at the time of the delivery of the deed, they shall be apportioned on the basis of the taxes assessed for the preceding fiscal year, with a reapportionment as soon as the new tax rate and valuation can be ascertained; and, if the taxes which are to be apportioned shall thereafter be reduced by abatement, the amount of such abatement, less the reasonable cost of obtaining the same, shall be apportioned between the parties, provided that neither party shall be obligated to institute or prosecute proceedings for an abatement unless herein otherwise agreed.
- ~~18. BROKER'S FEE (fill in fee with dollar amount or percentage; also name of Brokerage firm(s))~~ ~~A Broker's fee for professional services of _____ is due from the SELLER to _____~~
~~the Broker(s) herein, but if the SELLER pursuant to the terms of clause 21 hereof retains the deposits made hereunder by the BUYER, said Broker(s) shall be entitled to receive from the SELLER an amount equal to one-half the amount so retained or an amount equal to the Broker's fee for professional services according to this contract, whichever is the lesser.~~
19. BROKER(S) WARRANTY (fill in name) The Broker(s) named herein _____ warrant(s) that the Broker(s) is(are) duly licensed as such by the Commonwealth of Massachusetts.
20. DEPOSIT (fill in name) All deposits made hereunder shall be held in escrow by Laurence S. Boisvert, Esq. as escrow agent subject to the terms of this agreement and shall be duly accounted for at the time for performance of this agreement. In the event of any disagreement between the parties, the escrow agent may retain all deposits made under this agreement pending instructions mutually given by the SELLER and the BUYER. Said deposit to be held in an interest bearing escrow account, interest to follow the deposit at the time of closing.
21. BUYER'S DEFAULT; DAMAGES If the BUYER shall fail to fulfill the BUYER's agreements herein, all deposits made hereunder by the BUYER shall be retained by the SELLER as liquidated damages ~~unless within thirty days after the time for performance of this agreement or any extension hereof, the SELLER otherwise notifies the BUYER in writing, and this shall be Seller's sole and exclusive remedy at law and in equity.~~
22. RELEASE BY HUSBAND OR WIFE The SELLER's spouse hereby agrees to join in said deed and to release and convey all statutory and other rights and interests in said premises.
- ~~BROKER AS PARTY~~ ~~The Broker(s) named herein join(s) in this agreement and become(s) a party hereto, insofar as any provisions of this agreement expressly apply to the Broker(s), and to any amendments or modifications of such provisions to which the Broker(s) agree(s) in writing.~~
24. LIABILITY OF TRUSTEE, SHAREHOLDER, BENEFICIARY, etc. If the SELLER or BUYER executes this agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the SELLER or BUYER so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.
25. WARRANTIES AND REPRESENTATIONS (fill in); if none, state "none"; if any listed, indicate by whom each warranty or representation was made The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this agreement or previously made in writing, except for the following additional warranties and representations, if any, made by either the SELLER or the Broker(s): None either expressed or implied
- ~~26. MORTGAGE CONTINGENCY CLAUSE (omit if not provided for in Offer to Purchase)~~ ~~In order to help finance the acquisition of said premises, the BUYER shall apply for a conventional bank or other institutional mortgage loan of \$ _____ at prevailing rates, terms and conditions. If despite the BUYER's diligent efforts a commitment for such loan cannot be obtained on or before _____, 19____ the BUYER may terminate this agreement by written notice to the SELLER and/or the Broker(s), as agent(s) for the SELLER, prior to the expiration of such time, whereupon any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto. In no event will the BUYER be deemed to have used diligent efforts to obtain such commitment unless the BUYER submits a complete mortgage loan application conforming to the foregoing provisions on or before _____, 19____~~

27. CONSTRUCTION
OF AGREEMENT

This instrument, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and enures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be cancelled, modified or amended only by a written instrument executed by both the SELLER and the BUYER. If two or more persons are named herein as BUYER their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this agreement or to be used in determining the intent of the parties to it.

~~28. LEAD PAINT
LAW~~

~~The parties acknowledge that, under Massachusetts law, whenever a child or children under six years of age resides in any residential premises in which any paint, plaster or other accessible material contains dangerous levels of lead, the owner of said premises must remove or cover said paint, plaster or other material so as to make it inaccessible to children under six years of age.~~

~~29. SMOKE
DETECTORS~~

~~The SELLER shall, at the time of the delivery of the deed, deliver a certificate from the fire department of the city or town in which said premises are located stating that said premises have been equipped with approved smoke detectors in conformity with applicable law.~~

30. ADDITIONAL
PROVISIONS

The initialed riders, if any, attached hereto, are incorporated herein by reference.
See Addendum A attached hereto and incorporated herein by reference.

FOR RESIDENTIAL PROPERTY CONSTRUCTED PRIOR TO 1978, BUYER MUST ALSO HAVE SIGNED
LEAD PAINT "PROPERTY TRANSFER NOTIFICATION CERTIFICATION"

NOTICE: This is a legal document that creates binding obligations. If not understood, consult an attorney.

SELLER (or spouse)

BUYER Northwest Structures, Inc.

By: Ronald B. Peabody, Treasurer

SELLER Gladys D. Pannell, Trustee

BUYER

Broker(s)

EXTENSION OF TIME FOR PERFORMANCE

Date _____

The time for the performance of the foregoing agreement is extended until _____ o'clock _____ M. on the _____ day of _____ 19____, time still being of the essence of this agreement as extended. In all other respects, this agreement is hereby ratified and confirmed.

This extension, executed in multiple counterparts, is intended to take effect as a sealed instrument.

SELLER (or spouse)

SELLER

BUYER

BUYER

Broker(s)

hereto shall cease and this Agreement shall be null and void without recourse to the parties hereto.

C. The Buyer has under agreement an adjoining parcel of land on which the Buyer is seeking approval for eight (8) building lots for single family homes. In the event that the Buyer, at Buyer's sole option, determines that a greater total number of single family building lots can be obtained by joining the Seller's parcel and the parcel which Buyer presented has under agreement, the Buyer agrees to pay the Seller an additional \$20,000 per lot in excess of the 16 lots currently contemplated. Said payment to be made on such additional lots at the time of the sale of said lots.

D. After the date hereof, Buyer and Buyer's representatives shall have the right to enter upon the premises for the purpose of taking measurements, taking soil samples, making surveys and borings, performing percolation tests thereon and making such other tests or observations as Buyer may desire and to perform any other acts deemed by Buyer as necessary or desirable to plan the development of the premises; provided that Buyer shall restore any portion of the premises disturbed by such work should this Agreement be terminated. Such restoration shall only require regrading of disturbed areas. Buyer shall not be required to replant trees and other disturbed vegetation. No trees having a caliper measurement six (6) feet from ground level of more than six (6) inches shall be removed without the prior written consent of the Seller. Buyer agrees to indemnify and save the Seller harmless from all losses, damage or claims arising out of work performed by Buyer on the Property. Buyer shall provide certificates of insurance, naming Seller as co-insured, where applicable, certifying adequate workman's compensation insurance for Buyer and all subcontractors doing work on the property and adequate liability coverage. All of the foregoing shall be at Buyer's sole cost and expense. Further, Buyer's obligations hereunder shall survive the delivery of the deed.

E. It shall be a condition of Buyer's obligation hereunder that the premises at closing shall be free of oil or hazardous materials within the meaning of M.G.L. c.21E in the professional opinion of such soils engineer as Buyer designates and is reasonably acceptable to Seller ("Soil Engineer"). At Buyer's option, Buyer may engage the Soils Engineer to undertake sufficient soils investigations to reach a professional opinion concerning the presence of any such oil or hazardous material on the premises. If the Soils Engineer discovers any evidence of any such oil or hazardous material, Buyer shall so notify Seller by delivering in hand or by registered or certified mail, postage prepaid, to Seller (the "Buyer's Hazardous Material Notice"), together with a copy of the Soils Engineer's report and estimate (if available) of the cost of removing the oil or hazardous materials and Buyer may terminate this Agreement by written notice to Seller so as to be received by Seller in or within sixty (60) days of the date of this Agreement; whereupon all deposits paid to Seller shall be forthwith returned to Buyer and

this Agreement shall be void and of no further force and effect except as to those provisions referring to restoration of test holes and indemnification for loss, damage or claims arising out of Buyer's work on the premises. If the Buyer fails so to notify Seller, Buyer shall be deemed to have agreed that the foregoing condition is satisfied with respect to oil or hazardous material released through the date of the Soils Engineer's inspection. The foregoing shall be at Buyer's sole cost and expense, and the Buyer agrees to indemnify and hold the Seller harmless on account of Buyer's failure to pay for any of the foregoing services.

F. The Seller's record title to the Premises as of the date of this Agreement, shall be deemed to meet the record title requirements of Paragraph 4 hereof for all purposes, unless on or before 5:00 p.m. on the date sixty (60) days after the date hereof, written notice of a claimed defect therein is given by delivery in hand or by registered or certified mail, postage prepaid, to Seller. Such notice shall specify any defects claimed in Seller's said record title existing as of the date of this Agreement. In the event that Buyer's title examination reveals that Seller's title to the premises does not satisfy the requirements of this Agreement, then upon said written notice of same to Seller, Seller shall be obligated to proceed diligently and use its best efforts to remove any defect in title and to make the premises conform to the provisions hereof, provided, however, that the Seller shall not be required to expend in excess of One Thousand (\$1,000) Dollars to remove any defect in title to make the premises conform. In the event Seller is unable to remove any defect in title and to make the premises conform with the provisions hereof, then Buyer shall have the right to terminate this Agreement. In the event Buyer has not given written notice to Seller, in the manner set forth above, on or before 5:00 p.m. on the date sixty (60) days after the date hereof, that the Seller's title to the premises does not satisfy the requirements hereof, it will be conclusively presumed that Seller's record title to the premises does satisfy the requirements of this Agreement as of the date of this Agreement except for (notwithstanding anything to the contrary above) the following:

a) (i) defects in title existing as of the date of this Agreement which have been claimed in such notice; (ii) defects in title arising after the date of this Agreement; (iii) defects of title relating to matters improperly indexed at the place of filing or recording; (iv) matters relating to marketability or non-record matters; (v) taxes and items which would appear on a municipal lien certificate; (vi) any liens for municipal betterments and (vii) defects and other matters to be remedied or corrected pursuant to other provisions of this Agreement.

b) any title matter which is the subject of a Title Standard of the Massachusetts Conveyancers' Association at the time for delivery of the Deed shall be governed by said Title Standard to the extent applicable.

c) any matter or practice arising under or relating to this Agreement which is the subject of a practice standard of the Massachusetts Conveyancers' Association shall be governed by such standard to the extent applicable.

G. The Seller hereby warrants and represents that Seller is not aware of, and has not received any notice of, any violation of any applicable environmental or pollution control acts, ordinances, statutes, or regulations related to the premises. The provisions of this paragraph shall be deemed to be repeated as of the date(s) of delivery of the deed(s) hereunder and shall survive such delivery.

H. Upon the execution of this Agreement, a notice of this Agreement shall be filed with the Middlesex South District Registry of Deeds to give notice to the world of the Buyer's rights hereunder. In the event that this Agreement shall be terminated other than by a default of the Seller, the Buyer agrees to execute a notice of such termination, in recordable form, to be filed with the Middlesex South District Registry of Deeds to give notice to the world of such termination.

I. Seller hereby agrees to sign and deliver, at the time of performance, such affidavits, documents and certificates as may be reasonably required by Buyer's counsel and as are reasonable and customary. In the event that the Seller refuses to sign the same the Buyer may elect to cancel this Agreement, in which event the deposit shall be refunded and all other rights and obligations shall cease.

J. At the time of delivery of the deed(s) hereunder, Seller shall, as a condition of Buyer's performance, deliver to Buyer an affidavit, in recordable form, which includes Seller's social security or other tax identification number and which certifies as to whether Seller is or is not a foreign person, foreign corporation, or other foreign entity subject to withholding taxes as required by Section 1445 of the Internal Revenue Code of 1986, as amended.

K. If the Buyer does not proceed with the purchase, it shall deliver to the Seller all plans, engineering data, septic information prepared for and/or by Buyer during the course of its efforts to obtain such approvals.

L. Unless otherwise specified herein, any notice to be given hereunder shall be in writing and signed by the party or the party's attorney and shall be deemed to have been given (a) when delivered by hand, or (b) when mailed by registered or certified mail, all

charges prepaid, or (c) when sent by telefax during normal business hours, addressed:

Sellers

Gladys D. Pannell, Trustee
Gladys D. Pannell Realty Trust
570 West Street
Carlisle, MA 01741

With a copy to:

Laurence S. Boisvert, Esquire
McWalter, Barron & Boisvert, P.C.
30 Monument Square
Concord, MA 01742
Facsimile 508-369-6989

Buyers

Northwest Structures, Inc.
411 Massachusetts Avenue
Acton, MA 01720

With a copy to:

Steven R. Graham, Esquire
Graham & Harsip, P.C.
289 Great Road, Suite 101
Acton, MA 01720
Facsimile 508-264-4990

By such notice, either party or such party's attorney may notify the other of a new address, in which case such new address shall be employed for all subsequent deliveries and mailings.

M. Buyer shall have the right at any time to waive any conditions upon which Buyer's obligations under this Agreement are conditioned.

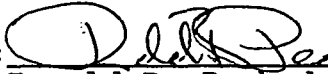
N. In the event that this Agreement shall be terminated pursuant to any provision hereof other than in the event of a default by the Buyer, all deposits, with interest accrued thereon, shall be immediately returned to the Buyer, and thereupon this Agreement shall be null and void without recourse to the parties hereto.

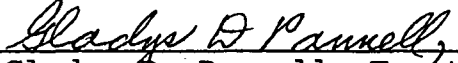
O. In the event that penalty/rollback taxes shall become due pursuant to the provisions of M.G.L. c.61A, in addition to the purchase price set out elsewhere herein, the Buyer shall pay such taxes up to a maximum of Fifteen Thousand (\$15,000) Dollars. Any additional amounts may be due in excess of Fifteen Thousand (\$15,000) Dollars shall be payable by the Seller. If any such taxes in excess of Fifteen Thousand (\$15,000) Dollars must be paid prior to payments being due to the Seller hereunder, the Buyer shall pay such taxes which shall be considered an additional deposit against the purchase price.

P. Seller's obligations hereunder are subject to the Town of Acton releasing its right of first refusal, if any, to which it is entitled pursuant to the provisions of Massachusetts General Laws Chapter 61A. Seller agrees to proceed diligently and in accordance with the provisions of Massachusetts General Laws Chapter 61A to give appropriate notice to the Town of Acton. In the event that the Town of Acton shall exercise its right of first refusal, Buyer shall

have the right to terminate this Agreement whereupon all deposits shall be forthwith refunded and all other obligations of the parties hereto shall cease and this Agreement shall be null and void without further course to the parties thereto.

Northwest Structures, Inc.

By: 
Ronald B. Peabody, Treasurer

, Trustee
Gladys D. Pannell, Trustee

10/11/94-047

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

October 7, 1994

TO: Managers Office
FROM: Tom Tidman, Conservation Administrator
SUBJECT: 61 Offers, Pannell, Newsham

Pannell, Carlisle Road

The Conservation Commission would not encourage the selectmen to pursue purchasing the Pannell parcel. It appears that the current P&S agreement for the Pannell land is with Northwest Structures, Inc., we have had good success in developing usable open space agreements with this company. This may prove to be significant on the Pannell parcel, as the abutting Marshall land is also being developed by Northwest Structures. Potentially allowing for open space on each lot to be linked.

Newsham, 45 Piper Road

The Conservation Commission sees no value in the town purchasing this parcel of land for either passive or active recreational use.

10/11/94 (8)

SELECTMEN'S MEETING
SEPTEMBER 13, 1994

The Board of Selectmen held its regular meeting on Tuesday, September 13, 1994 at 7:30 P.M. Present were Norman Lake, F. Dore' Hunter, Nancy Tavernier, Wayne Friedrichs, Town Manager Johnson, and Assistant Town Manager John Murray.
{Representatives from cable were present}

CITIZENS' CONCERNS

None Expressed

PUBLIC HEARINGS AND APPOINTMENTS

ACTON MEMORIAL LIBRARY FOUNDATION

Ms. Swenson representing the AMLF presented the Trustees of the Memorial Library with a check to fund Sunday hours for Board of Selectmen acceptance. DORE' HUNTER - Moved to accept the gift of funds for Sunday Hours from the Memorial Library Foundation and Trustees with grateful thanks. NANCY TAVERNIER - Second. UNANIMOUS VOTE

COMMON VICTUALER - DUNKIN DONUTS
MAIN STREET

DORE' HUNTER - Moved to approve the Common Victuallers License for Dunkin Donuts. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

BOSTON EDISON - WOOD LANE

NANCY TAVERNIER - Moved to approve the two petitions for Wood Lane. DORE' HUNTER - Second. UNANIMOUS VOTE.

BOSTON EDISON - POWDERMILL ROAD

NANCY TAVERNIER - Moved to approve the petition that was previously approved by Emergency Petition for Powdermill Road in connection with Wendy's Site Plan. DORE' HUNTER - Second. UNANIMOUS VOTE.

ACHC - ACTON WOODS PRESENTATION

Betty McManus representing the ACHC outlined the ACHC's involvement with the "Acton Woods" project as presented by the Commons Group. She said the ACHC is very excited with the project and feels the affordable units offered will be a good first step at achieving the goal of affordable housing plan for Acton.

Jack McBride of the Commons Group outlined the project. They wanted a plan that belonged in Acton, they wanted to design a plan that formed a community within a community. They have designed the plan to save trees by placement of the homes on site. They have been careful to Minimize the effects to conservation land. 55% of the site will remain untouched.

They plan to submit the development through the State's LIP program. They hope to work with the Board to educate them so that they can secure the support of the Board on the application to ECOD. The application turn around time is approximately 90 days. Once the Local Plan is approved, general permitting on the project will begin, the main difference is there are no PCRC guidelines. The Project is heard by Zoning Board of Appeals with input from other Boards. The proposal will be within all guidelines of District B of the Housing Overlay, it contains 80% open space, the regulations require 30%. The project will commence in 1995 and be completed in 1997. The lottery will be held with 70% resident preference. Mr. McBride thanked the ACHC for all their assistance and guidance.

Dore' asked about emergency exits and the protection of Will's Bog.

They have been in contact with Tom Tidman and have directed the activities away from Will's Bog. Dore' asked if there had been any opposition. They stated that two abutters had expressed concern.

Mr. Friedrichs asked why the project was good for Acton. They responded that they had developed a plan that reflected a very intensive effort towards putting the focus on open spaces and addresses an opportunity to address housing needs for moderate income that is appealing and they felt this was a market they wanted to address.

Mr. Lake asked about provision for off street parking. They said that in addition to the garage and two-three in driveway they would be addressing this. The streets would be private and be maintained by the Association.

Wanda Sharpe, a resident of Great Road wanted to support the project as she too wants to own her own home. She has lived in Acton with her daughter and feels that Acton is a great place to live and would like to own in lieu of renting.

Anne Fanton spoke about the difficult decision the Board has before them and while she supports affordable housing, she cautioned the Board that this did not fit into the Town's Master Plan affordable overlay and questioned the density. She felt that it was not consistent with the Master Plan and she felt that recent Town Meeting did not support affordable housing. She is concerned that the Board understands the choice and thought that the overlay districts could be done away with.

Mrs. Tavernier spoke in favor of the plan. She has been a member of the ACHC for over five years. The North Acton Woods plan is good for Acton. The ACHC has become very schooled in their task. The affordable overlay is not zoned and they will require a Comprehensive Permit for the project. Mr. McBride approached the ACHC, looked at several parcels, environmental constraints, the quarry safety, septic, topographical nature of the site and they were not feasible to develop. This plan works to preclude two dense developments. They chose this parcel because they could address the septic and environmental issues. They have given this project a lot of thought, and much thought has gone into the selection of this site. They tried to avoid a Comprehensive Permit,

the best was would be to proceed with the LIP, this would also preclude the other dense development which would have been marketed directly at families.

Danny Megher resident of Iris Court spoke about the two tier social ls. He also questioned the condo fee structure.

Mr. McBride responded that they anticipate the condo fee of between \$125-150.

Jane Power, an abutter questioned the proposed retention pond. They anticipate a 50 foot buffer minimum and will try to pull it back and work to address her concerns.

John Noun of the Acton Housing Authority, urged Board support of this project. He felt it would be good for Acton for a number of reasons. He felt it would be very short sighted to put off any opportunity to obtain affordable housing units.

Richard Ryan, a resident and renter for seven years urged the Boards support of this project.

Mr. Hunter is convinced that it is a reasonable plan, perhaps we might need to revise Acton's Master Plan. The concept proposed sounds like a very attractive place to live.

DORE' HUNTER - Moved to grant approval for the project under the Local Initiative Program. NANCY TAVERNIER - Second. 3-1. Wayne Friedrichs abstaining.

CONSENT CALENDAR

DORE' HUNTER - Moved to accept the Consent Calendar as printed with the addition of the Crown Resistance Day Proclamation. NANCY TAVERNIER - Second. UNANIMOUS VOTE. Mr. Friedrichs will represent the Board at the Crown Resistance Day activities.

SELECTMEN'S BUSINESS

WEST ACTON DAY - Mr. Friedrichs spoke to the Board about the upcoming West Acton Day. The merchants feel it is a way to bring them and the neighborhood together. The committee is also looking at getting permission to close an area of the district off. They feel that Mass Ave. from Central to Windsor would be a possible area to close. In addition they are asking for permission to place a banner across Route 111 between the Pharmacy and the Real Estate Bldg. to advertise the event. They anticipate that the event will attract 2 to 4,000 people. Mr. Norman of the Travel Agency spoke to the banner request and the importance of this event to the West Acton community.

Nancy Tavernier was concerned that they were anticipating donations to the West Acton Library when there were other Town Departments as equally deserving of this type of donation. They felt

that this year they wanted to give to the Library since it was in the district, and that perhaps next year they would investigate other areas of town government to donate to. Nancy wanted to be sure a precedent would not be set by approving the banner. Mr. Hunter asked that staff ok into the Banner issue with an eye towards safety for all those concerned.

DORE' HUNTER - Moved approval for the banner to be installed across Route 111, said banner to be installed no earlier than three weeks prior to the event and removed within 2 days of the conclusion of the event. Staff to monitor the details regarding mounting and public safety with the applicant. This approval is viewed as special because of the fact that the event takes place at the banner site, and is to be a one time approval to advertise this particular event. WAYNE FRIEDRICHS - Second. UNANIMOUS VOTE.

DORE' HUNTER - MOVED to commend the group for the very interesting project they have undertaken. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

POST OFFICE SQ. TRAFFIC LIGHT - Don Johnson outlined the traffic light at the Post Office Sq. intersection. Staff has been working on this and has reviewed it extensively. DORE' HUNTER - Moved to approve the Manager's recommendations with indicate approval and issuance of the necessary permits prior to the acceptance of the Traffic Signal by the Town. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

ACTON 2001 - Ms. Tavernier brought to the Board's attention the Meeting date of October 26 at 7:00 for the Acton 2001 Committee to begin the swap of information on the process of growth in Acton.

SCHOOL/TOWN - Mr. Lake commented on his recent conversations with the Chair's of the Local and Regional School Committees. He/they feel it is important to begin to meet to work out potential budget issues and problems. Mr. Lake wanted to resume these meetings. Mr. Hunter felt that some meetings would be helpful and work was needed to address a three year financial plan.

LEAGUE OF WOMEN VOTERS - Mrs. Tavernier reminded the Board about the League's opening meeting and urged Board's attention and attendance.

TOWN MANAGER'S CONCERNS

The Concord Road bridge is open. The pavement is not in place but the bridge is open to traffic.

The Board adjourned at 9:30 P.M.

Clerk

Date

Christine M. Joyce
Recording Secty.
cmjW11-(552)

BOS CONSENT 10/11/94 - (9)

September 28, 1994

Board of Selectmen
Acton Town Hall
Acton, Massachusetts

Dear Sirs and Madams,

On or about October 8, the Acton Children's Playground Committee will be installing four additional pieces of playground equipment manufactured by the Kompan/Big Toys Company in the Goward Field playground. The new equipment includes a steam engine, goods wagon, inn and post office. All items are stationary, placed on the ground, and made of primary colored wood, similar to the see-saw already installed. We anticipate that we may be able to purchase and install one additional spring ride-on toy on or around that day as well.

The Acton Children's Playground, Inc. committee has raised money from donations from businesses and individuals in the community to purchase the equipment, and assembly and installation will be completed by volunteers. We offer these as a donation to the Town of Acton for the benefit of the children and families in the area. Please accept these gifts of playground equipment upon their installation.

Thank you for your generous Jenks Fund donation, which we have applied toward this playground purchase. We are grateful for your support and the help of the Municipal Properties and Highway Department employees who have performed the necessary site work in Goward Field.

Sincerely yours,

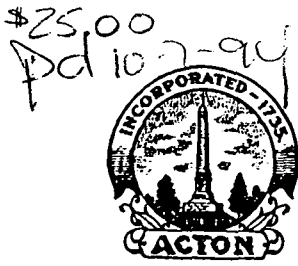
Elizabeth Golden

Elizabeth Golden
President
Acton Children's Playground, Inc.
P.O. Box 1095, Acton, MA 01720
(Residence: 433 Main Street, Acton)

9/30/94

CC: DAC - PLS. CONTACT MS. GOLDEN AND ADVISE THAT WE CANNOT GET OFFICIAL ACCEPTANCE UNTIL 10/11. IF YOU ARE WORKING DETAILS WITH THEM, I WILL APPROVE/AUTHORIZE INSTALLATION \approx 10/8 IN ANTICIPATION OF BOS APPROVAL.

Don



10/11/94 - (10)
FOR TOWN USE ONLY

TOWN OF ACTON
MASSACHUSETTS

License or Permit Application

October 7 1994

To the Licensing Authorities of Acton:

The undersigned hereby makes application for the following described license, in accordance with the provisions of the General Laws, and amendments thereto:

CHECK THE APPROPRIATE BOX INDICATING THE LICENSE OR PERMIT FOR WHICH APPLICATION IS BEING MADE:

- ☐ Auction ☐ Entertainment ☐ Flea Market ☐ One-Day Liquor ☒ One-Day Beer and Wine
(Please print or type) ☐ Other.....

Name of Organization/Applicant..... St. Elizabeth of Hungary Church
Location of Event..... 89 Arlington Street, Acton, Ma.
Name of Owner of Premises..... St. Elizabeth of Hungary Church (R.C.A.B. - Corporation Sole)

DESCRIPTION OF EVENT (i.e; fee or donation to be charged?, name of operators of event?, purpose of event?, parking availability?, etc.):
Donation - \$5.00 per person, Art Expo & Auction, social event, presented by
Heisman Art Gallery, King of Prussia, PA. - at St. Elizabeth's Parish Center, -
parking lot in the rear.

Day and Date of Event:..... Sat. October 22, 1994 Hours of Event:..... 7 p.m. to 10:30 p.m.

DESCRIPTION OF APPLICANT

Name of person making application Pat teDuits
Occupation..... Office Manager- St. Elizabeth of Hungary Church
Residential Address..... 5 Nadine Road, Acton
Business Address..... 89 Arlington Street, Acton
Telephone: Home..... 263-8650 Business..... 263-4305

Date of naturalization, if not born in U.S.....	Have you ever been arrested for any law violation?.....
Male or Female.....	If so, when.....
Date of birth.....	where.....
Place of birth.....	State briefly.....
Father's name.....	References: (Names and addresses)
Mother's maiden name.....	1.
Height.....ft.in.	2.
Weight.....	3.
Complexion.....	Remarks:.....
Hair.....
Eyes.....

Signature of Applicant Patricia teDuits for St. Elizabeth of Hungary Church
Do Not Write Below This Line

Don -

I THINK THIS REQUEST NEEDS BOS
AUTHORIZATION

DEAN

10/11/94 (11)

October 3, 1994

Mr. Dean Charter
Municipal Properties
Town of Acton

Dear Mr. Charter:

The Friends of the Acton Libraries would like to hold our annual Holiday Book Sale on Saturday, November 19, 1994. This is a much smaller sale than the June sale, and we have usually held it in the lobby of the Memorial Library. This year, due to its redesign, the lobby is not an ideal location.

The Friends would like to ask permission to use the lobby of the Town Hall for this sale. The hours of the sale would be 10 am to 3 pm, and we would hope to have a set-up crew carry the books over from the library late Friday afternoon.

Let me repeat that this is a small sale. We display only the nicest, gift-quality books that we have received. Usually no more than two or three tables are needed. I can assure you that this will not attract endless streams of people!

We will be responsible for all set up and clean up. There will be no food or beverages involved.

Thank you very much for your consideration of this request. We look forward to your response.

Sincerely,

Margaret Monto

Margaret Monto, chairperson
20 Alcott Street
Acton MA 01720

263-4853

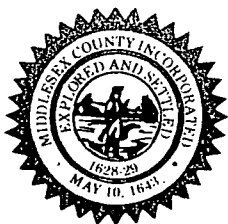
cc Wanda Null

CC: BOS - CONSENT 10/11.
(FOR USE OF TOWN HALL)

CC: WANDA -

PER OUR EARLIER CONVERSATION,
WE NEED TO TALK ABOUT THIS
SUBJECT !!

Many: wants see letter



EDWARD J. KENNEDY
Board of County Commissioners

Commonwealth of Massachusetts
COUNTY OF MIDDLESEX
BOARD OF THE COUNTY COMMISSIONERS

40 THORNDIKE STREET
EAST CAMBRIDGE, MASSACHUSETTS 02141

494-4120

ALLISON R. PRICE
Assistant To The Commissioner

October 4, 1994

Mr. John Murray
Assistant Town Manager
Town Hall
472 Main Street
Acton, Massachusetts 01720

EXEC. SESSION 10/11/94
CONFIDENTIAL

Dear Mr. Murray,

I am writing to you regarding our conversation on September 14, 1994 regarding the land for a regional recycling facility located in Acton, Massachusetts. At the present time, Middlesex County is in the process of writing the grant for the procurement of \$5 million to construct the facility. Included in the grant is a section for proposed construction sites. Acton, along with the town of Burlington, are the two towns that the county has focused its attention on for construction. While we are still in the beginning steps of the regional recycling project, I was hoping you would be able to provide me with any further information regarding the land on Rte. 2, and the existing transfer station located in Acton. The information that would be extremely helpful is the zoning code for each location, the exact acreage of each parcel, and the appraised monetary value. Again, obtaining this information from your town is important to the continued success of the regional recycling project.

Thank you for your time and expertise. Please contact me at (617) 494-4120 if you have any questions or concerns. I look forward to receiving this information.

Sincerely,

Allison R. Price

Allison R. Price
County Recycling Coordinator

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: October 7, 1994

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: School Street Sidewalk

The attached correspondence from Ms. Sifleet raises several questions regarding funding of the subject project. By copy to Roland Bartl and David Abbt I am asking them to prepare comments that I might share with you and Ms. Sifleet regarding the Sweeney monies. The question of allocating Chapter 90 monies is much more complex. In fact, staff has reviewed this question extensively and we will be presenting funding scenarios (including the efficient use of Chapter 90 monies) for this and other Capital projects as part of the budget process this year.

I would respectfully suggest that we delay any decisions on Ms. Sifleet's requests for reallocation until we have a great deal more information. In the meantime, we will proceed to explore and evaluate the alternatives.

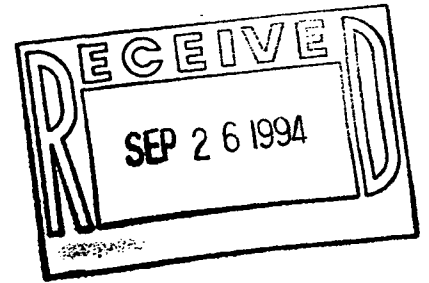
By copy of this memo to Roy Wetherby I am asking that he place the attached monies in the School Street sidewalk gift account. Also, by copy of this memo to Ms. Sifleet I am advising her of our actions and my recommendations to you.

cc: Roland Bartl
David Abbt
Roy Wetherby
Ms. Jean Sifleet

Jean D. Sifleet

5 Sandy Drive
Acton, MA. 01720

September 24, 1994



Members of the Board of Selectmen &
Don Johnson, Town Manager
Town of Acton
472 Main Street
Acton, Ma. 01720

Re: Update of School Street Sidewalk Fundraising
& request for reallocation of funds to School Street
Sidewalk Fund.

Dear Members of the Board & Mr. Johnson:

The purpose of this letter is to provide an update on the sidewalk fundraising efforts as well as to request some creative redistribution of funds by the Town for the purpose of building sidewalks on School Street.

Update of Sidewalk Fundraising:

Enclosed are checks representing the net proceeds from the sale of coffee/refreshments and donuts at the School Street soccer fields for the weeks ending 9/10 and 9/17 (total \$135). Also enclosed are copies of the petitions signed in support of sidewalks.

While the amount of money raised is small to date, I hope the Board will review the signatures to see the broad level of support for sidewalks.

Reallocation of Funds to School Street Sidewalk Fund:

Reallocation of Kevin Sweeney's Sidewalk budget to School Street Fund.

Kevin Sweeney has indicated that he would be willing to direct the funds that he would expend for sidewalks at his pending High Street project to the School Street Sidewalk Fund if the Town agrees. Also, Kevin would direct the funds for the Nylander/School Street sidewalk to the School Street Fund if the Town agrees.

Board of Selectman
& Don Johnson
September 24, 1994
Page 2.

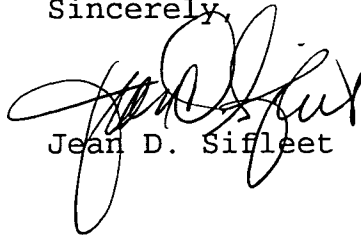
Reallocation of Road Fund \$\$

As reported in the Acton Citizen on September 23, 1994 the Town has received additional funds this year and in fact has money for 2 additional miles of paving that could be reallocated to the School Street Sidewalk Fund.

I hope you will approve these requests for reallocation of funds because it appears that this is the only way that a reasonable amount of money can become available for sidewalks on School Street.

Thank you for your consideration and for your continuing support of the School Street Sidewalk project.

Sincerely,



Jean D. Sifleet

Acton gets road money

The Town of Acton was recently notified that it will receive approximately \$490,000 in Chapter 90 money for road improvement. Town Manager Don Johnson said this is the first of a two-year program during which Acton will receive a total of \$980,000 for its road fund.

Johnson said that the town's long range plan has been to pave about five miles of streets each year just to achieve maintenance of existing roadways. The cost for this is about \$250,000 to \$300,000 annually. Due to budget cuts, this item has not been appropriated recently, so the Town is 14 miles behind in its paving. This year's Chapter 90 money will pay for one year's maintenance plus two extra miles, he said. Just which roadways will be paved is still being determined. Those in the worst condition will be given highest priority.

Johnson said, "This money will go a long way toward helping us recoup to the point where we should have been if there hadn't been a money shortage the past several years."

Acton Citizen 9/23/94

Sidewalks for Shore Street

9/10/94

Bue Moore	10 Heritage Rd.
Elizabeth Thompson	2 Sandy Dr. Acton
Greg Adams	371 Old Bedford Rd
Peter Clifford	10 Algonquian Rd.
Michael Young	18 Carlton Drive
Mimi Flanagan	60 Seminole Rd
Randy Corle	23 Deacon Hunt Dr., Acton
A. Mahapatra	10 Northbeir Rd "
Richard Higgins	67 Liberty St.
Pat Moore	8 Mohawk Drive
John Webster	3 Condit Rd Lane
Dave FLANARY	60 SEMINOLE Rd.
Dianne Runn	37 Dugan Rd.
Betsy Matson	17 ONEIDA RD.
Allyson A Garcia	18 Juniper Ridge Rd.
St. Matson	17 Oneida Rd, Acton, MA
Molly J. J. J.	4 Cricket Way
John A. J.	4 Cricket Way
J. Hyman	22 Milldam Rd Acton
M. B. J.	5 Harvard Ct #3
Gail A. Casella	253 School ST.
Shawn Fyfeham	6 Puritan Rd
Andrew D. Ingraham	6 Puritan Road
Bette R. Davis	4 Apple Valley Dr. Acton

9/10/94

I support sidewalks for School Street

Margaret E. Helmer

Cynthia Isaacson

159 Willow St.

Mary Embury

397-9 Great Rd

Robert Hunt

Michael Foster

12 Blackhorse Drive

Pat Travers

21 Silver Hill Rd

Monica Scanlon

20 Freedom Farm Rd

David M. Roth

24 Minot Ave. Acton, MA

Deirdre McConnon

217 Nagog Hill Rd

I support sidewalks for School Street.

9/12/94,

Christine W. Dugan

Candidate

Janne Rudofsky

1 Wingate Ln Acton

Jacqueline Weymouth - 3 Putnam Rd - Acton Center

13 Kings Ln. Buxton.

Roberta Gougeon

13 Captain Forbush Acton.

John P. Albertin

3 Broadview Rd Acton -

R. H. Wilton

126 Parker St. Acton

Michael Gohard

3 Blackhorse Dr Acton

Virginia Tarek

21 Silver Hill Rd Acton

Sushama Gokhale

5 Ayer Rd Acton

Sam Hays, Jack

1 Assonet Crossing Acton

Wendy Tawson

202 High St Acton

Nathalie DeCamp

5 Heritage Acton

Lynda Gregson

599 Liberty Sq. Rd Buxton

Timothy Rupp

7 Heather Hill Rd Acton

Alison Riep

7 Heather Hill Rd Acton

HANNAH

75 School St Acton

Todd

5 Sandy Dr. Acton

Richard

15 Baker Rd Acton

John

14 Putnam Rd Acton

Michael Bradley

75 School St Acton

Sheryl Christensen

83 Cortland Lane Buxton

Bonnie Hepburn

115 Waterside Cir. Acton

Greg Voss

8 Mulbrook Dr Acton

St. Acton
Planning
Com.
SAPC

I support sidewalks -

9/17/94

Pandra Vicky	16 Bullette Rd Acton
Marion C Allan	50 Woodbury Lane, Acton.
DANA CUTRA	6 Letterson Ln Acton
Bill Kelly	12 Sandy Drive Acton
Jane C. Kelly	10 Sandy Dr. Acton
David R. Jones	4 Vanderbilt St Acton
Ruth Kohls	30 Onida Rd Acton
Thomas E Kohls	30 Onida Rd Acton
Gemma Givoto	3 Bellings St. Acton
Jan Robbins	232 Nagog Hill Rd. Acton
Alma M.	27 School St. #1 Acton
Nancy Neen	34 Mohegan Rd Acton

cc: BOS

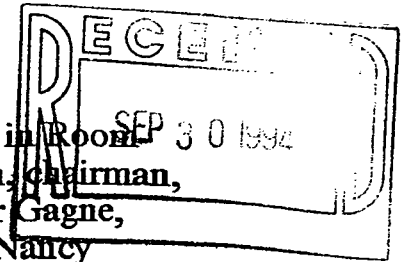
Selectmen

RECEIVED & FILED

DATE September 30, 1994

David Howell
TOWN CLERK, ACTON

KELLEY'S CORNER PLANNING COMMITTEE



John Pavan called the September 12, 1994 meeting to order at 7:32 am in Room 204 at the Acton Town Hall. Members in attendance were: John Pavan, chairman, Jean Butler, Richard Crosswell, Anne Fanton, Wayne Friedrichs, Arthur Gagne, Joan Meyer, Margaret Sestrich, Kenneth Sundberg, Robin Talkowski, Nancy Tavernier, Paula Wright and associate members Dick Hatfield and Bill Ryan. Roland Bartl was also present.

I. The minutes from the August 24, 1994 meeting were moved, seconded and accepted as corrected:

Item II insert: *on Route 2, after "traffic congestion".*

Item IV define: "connectedness" as a lack of a common thread.

Item V change: *"and the 3rd & 4th Thursday evenings" to will meet alternately on Monday mornings and evenings and keep the 3rd and 4th Thursday evenings as options.*

II. Review Scope of Work and Time Line

There was discussion about collapsing some of the time line or consolidating some of the early meetings. The consensus was: we would do what we could to shorten the time line where possible, but that it is important to remember that community input and involvement in the process is critical to town meeting presentation and support of the final proposal.

The consultant(s) may not be able to do all the listed items and/or we may not be able to fully fund a consultant. The committee members and town offices may have to pick up part of the slack. The pros and cons of soliciting funds from a segment of Acton's population or the whole community were discussed. It was agreed that it would be best to consider this to be a town-wide project. We should investigate the possibility of using town "traffic study funds" to augment our town meeting funding of \$10,000 plus whatever the grant awards us.

Roland asked for permission to reduce or streamline the RFP description if that should become necessary. The consensus of the committee was Roland be given the discretion/authority to rework the Scope of Work with assistance from the selection subcommittee when possible. Anne Fanton volunteered to chair the selection subcommittee. Roland will contact Anne Fanton and John Pavan as soon as we get our grant notification.

Task 1 and 2 may be possible to do internally. Then it would be critical to have the technical and professional skills of the consultant available to help us move on to Task 3. Roland feels it is essential that the Design Consultant must be at the charette. Roland questioned just how much of Task 4 it would be possible to do internally.

III. Review and adopt Mission Statement

John circulated the draft Mission Statement prepared for us by Robin Talkowski. Robin did an excellent job of capturing everyone's thoughts and feelings about our mission based upon our discussion at our last meeting. Many thanks, Robin.

The Mission Statement was moved, seconded and accepted unanimously with the following changes: (change) "aesthetically pleasing" to *attractive*; (delete) "commercial"; (change) "other environmental concerns" to other environmental *impacts*; (change) "safety, access, traffic," to safety, access *and circulation*; (change) spelling of Kelly's Comer to *Kelley's Corner*.

IV. Workshop

A. Development Constraints in Planning Area

B. Brief Overview of Zoning in Planning Area

C. Build-out analysis in Planning Area

Roland distributed four maps of the area. The first showed ground water distribution with sand and gravel deposits. The second showed wetlands and their associated flood plains. The third showed zoning districts. The fourth showed development potential with commercial properties that are currently at or already exceed their build-out capabilities under current zoning regulations and constraints. Anne reminded us that the "build-out capabilities" can be changed by town meeting vote. Roland then discussed the impact of the parcel build-out sheet we received at the August meeting.

Roland brought us up to date on the proposed improvements at the Finast Shopping Center. The driveway between 111 and 27 will be narrowed and regulated and landscaped. The facade will be up scaled and the parking lot layout will be changed.

We briefly discussed the inclusion of Donelan's into our project. Anne suggested waiting for the grant announcement since inclusion would probably have budget implications. Anne moved that Donelan's inclusion be on our next meeting agenda. The motion was seconded and passed unanimously. John will contact Mike LaFoley.

V. Next meeting

Thursday, September 29th, 1994 7:30 pm Room 204--Town Hall

- A. Status of Grant application
- B. Inclusion Donelan's and the connecting strip
- C. Initial report on the proposal and any reduction of consultant services
- D. Time line for public meetings

It was moved, seconded and approved unanimously to adjourn at 9:05 am.

ean Butler, secretary pro tem
attached: Revised Draft of Approved Mission Statement

Minutes approved:
September 29, 1994

cc: BOS

Town of Acton

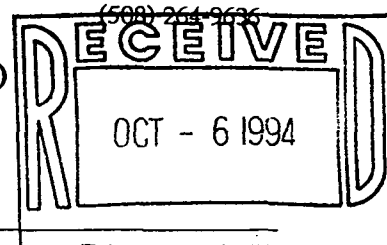
Planning Department

472 Main Street Acton, Massachusetts 01720

South Acton Village Planning Committee (SAVPC)

Minutes of Meeting

September 20, 1994



Members in attendance: Betsy Eldridge, Robert Pion, Janice F. Molnar.

RECEIVED & FILED

Also present: Roland Bartl (Town Planner).

DATE Oct 5, 1994

Minutes of September 6, 1994 were accepted.

Barbara Brown
TOWN CLERK, ACTON

Announcements:

Betsy Eldridge reported on the 9/5/94 meeting of the Historic District Commission with Chuck Kostro and other State representatives concerning the bridge and intersection reconstruction. She reported that several design issues were discussed. Stone facing seems a real possibility but street lights on the bridge were less likely. No detailed plans were available. The Historic District Commission will schedule a formal hearing later this fall.

The public meeting on the draft plan will be held on 10/20/94 at the Senior Center. Betsy (for the Beacon) and Janice (for the Citizen) will write news releases to appear two weeks (on 10/6 & 7) and one week (on 10/13 & 14) before the meeting.

Meeting with Dean Charter, Municipal Properties Director and Tree Warden:

Mr. Charter had been invited to discuss the draft plan with the committee. Mr. Charter informed the committee that a number of items recommended in the draft plan have been done or are in progress: 65 trees have been planted in around the commuter parking lot, thanks to federal grant monies. Also, papers have been filed with Boston Edison to install a light in the parking lot behind the fire station. The light should be in place within a few months. Mr. Charter expressed encouragement for some of the draft plan's recommendations as they pertain to conservation, open land, and recreation facilities, especially the rail trail on the Maynard spur. He noted that many of the recommendations are consistent with his department's efforts to establish a green belt along Fort Pond Brook.

There appear to be several divergent ideas as to what should happen with the parcel of the former depot off School Street, now owned by the Town. No long term decision has been made by the Town. Mr. Charter has indicated there are short term plans to clean up the parcel, and to loam and seed it. But there has not yet been time to do it. Following a survey to stake out the precise boundaries, the job would take about a week's worth of labor for the Highway Department to clean up and grade. Municipal Properties crew would mow and maintain it after construction. The committee members noted that they feel the parcel would best be made available for construction of a commercial or mixed use building with parking in the rear. This would close a big hole in the village and would improve the street scape and village character along School Street. Of course, this could hardly occur without a sewer collection and treatment facility. The committee agreed to be more specific in the plan as to the goals for the parcel: Clean up for temporary landscaped open space, followed by construction of a new building once the opportunity arises (hopefully soon).

Mr. Charter stated that the Civil Defense building is clearly obsolete and will soon require about \$70,000 worth of repairs. Currently, there is no alternative location for the Civil Defense organization.

Mr. Charter mentioned that members of the playground committee, who have successfully raised the funds and constructed (with some help from the Town) the new handicapped accessible playground behind the Memorial Library, have expressed willingness to work with South Acton residents to do the same at the Great Hill play fields behind the South Acton fire station.

The Mill Corner open space, and the play field next to it will soon be finished and there will be a new trail connecting them with the Great Hill play field. Mr. Charter stated that he intended to allow use of the two play fields for league activities on a rotating schedule, which ensures that one field will always be available for unorganized activities. The need for space to conduct unorganized recreational activities was identified in the Acton Master Plan.

Mr. Charter informed the committee that the pond in the Great Hill recreation area was man made several years ago. Although there were plans to use it for canoe lessons and other water related recreation and education activities, not too much has happened since. He thought that the recommendation in the plan to use it for ice skating is a good one, but he cautioned that the Town may not want to encourage it formally due to liability exposure. For many years now, the Town has refrained from certifying ice as safe. Illumination of the pond for evening skating would cost \$25-30 per month per light.

Concerning the proposed public parking lot behind Exchange Hall, Mr. Charter expressed his fear that it would be used as overflow parking for the commuter lot. Already, the parking lot behind the South Acton fire station is used in that fashion by some commuters. He suggested, and the committee agreed, that parking meters with time limits would have to be installed, to maintain it as a parking lot for South Acton Village. This would create additional need for enforcement.

Mr. Charter informed the committee that the Town is slowly working toward the establishment of a Fort Pond Brook green belt by seeking land donations and assuming ownership of parcels on which taxes have not been paid. There are no specific plans or strategy, rather the effort follows emerging opportunities.

Meeting with Richard Howe, Highway Superintendent:

Mr. Howe had been invited to discuss the draft plan with the committee. Mr. Howe stated that he has reviewed the plan and sees no major problems with it. He generally does not favor neck downs along the sides of streets because they are difficult to plow. But, he agreed that some narrowing of pavement in the School Street and Main Street area was in order, and the curb line from School Street into River Street should also be made less smooth so that drivers must slow down turning into River Street. This would also give the church more room along its front.

Mr. Howe also suggested to incorporate into the plan a recommendation to reconstruct School Street from Main Street to the South Acton fire station. He said that this stretch is badly in need of reconstruction and that several years ago a temporary repair was performed. Once the new grades are in place from the School and Main Street intersection reconstruction site, he could pursue this project. Sidewalks on the south side of School Street would have to be raised and reconstructed as well. It was clarified that the Town of Acton has no direct control over the bridge and the rail road right of way. The plan should include a recommendation, to pursue with the MBTA pedestrian improvements alongside the tracks (walkway from station underneath the bridge to east

side of Main Street with connector to School Street).

Meeting with property and business owners: As agreed at the last meeting, the committee will hold a meeting for property owners and business owners in South Acton whose properties would be affected by the proposed zoning changes. The committee scheduled the meeting for November 15, 1994, 7:30PM. Roland will book a room and notify potential participants.

Other:

Several residents from the new Mill Corner development attended the meeting to inform themselves on the planning effort and how it relates to the Mill Corner development. Other question pertained to items of construction in the development which are still outstanding. Also, the residents are exploring the possibility of a school bus turn around in the subdivision. The residents expressed interest in serving on the committee.

The committee agreed to invite a selectmen to the October 20, 1994 public meeting to be available to field questions on the status of sewer plans.

Next committee meeting will be on October 4, 1994.

Minutes approved: October 4, 1994.

cc: Town Clerk
Planning Board
Board of Selectmen ✓

rsavpc*1

MAGIC

Marlborough
Carlisle
Concord
Hudson



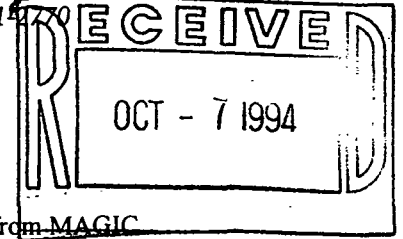
Littleton
Marlborough
Maynard
Stow
Sudbury

**MINUTEMAN ADVISORY GROUP
ON INTERLOCAL COORDINATION**

A Subregion of Metropolitan Area Planning Council

Minuteman Advisory Group on Interlocal Coordination

c/o MAPC, 60 Temple Place, Boston, MA 02111 617 / 451-2770



TO: MAGIC Representatives
Chief Elected Officials, Planning Boards, and MAPC Representatives from MAGIC communities

FROM: Dick Downey, MAGIC Chair

DATE: October 4, 1994

SUBJECT: Reviews of Developments of Regional Impact (DRIs)

Two important environmental impact reviews are currently in process, with comment deadlines imminent. MAGIC is proposing to take the actions outlined below and needs your input.

Hudson-Stow Municipal Landfill Expansion

MEPA #6906

Comments due: October 24

This is the Final Environmental Impact Review (FEIR) for a very significant project. The proponent plans to expand the existing landfill area from 6 acres to 23.5 acres, to increase capacity from 120 tons per day to 200 tons, and to extend its useful life for 23.5 years. MAGIC commented on the earlier draft, seconding MAPC's major concerns about the inadequacy of the proponent's handling of wetlands and other critical impacts and raising concerns about well sites downstream in Hudson and Stow; impacts on the Assabet River, and truck traffic on secondary and tertiary roads leading from new customers in the expanded service territory. MAGIC noted the need for interlocal scrutiny and public awareness.

To ensure that the final project does not jeopardize our environmental resources, we will review the FEIR at a meeting preceeding our regularly scheduled MAGIC meeting. **This DRI meeting will take place on October 13, 1994 at 6:45 p.m. at the Carlisle Education Center, 872 Westford St. (Rt. 225) in Carlisle. Representatives from Hudson, Stow, and all communities along the Assabet River should attend.**

Fort Devens Disposal and Reuse

Draft Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA)

Proponent: Department of the Army

Comment deadline: November 14, 1994.

This report analyzes the retention of a Reserve Enclave, consisting of the entire 4,880-acre South Post and about 280 acres on Main Post, and the disposal of about 4,140 acres of excess property. (Copies of the EIS are available for review at the Fort Devens Reuse Center and some local libraries and town halls.) Reuse by non-army interests is analyzed as a secondary and cumulative impact of disposal. The report presents information on impacts of three reuse alternatives: low, medium, and high density mixed uses. The medium intensity alternative represents the State/Local Conceptual Reuse Plan. More detailed non-army reuse plans are subject to review under the state's MEPA process and are not analyzed here.

MAGIC is not planning to review the Devens EIS unless it is nominated by a MAGIC representative or an official body of a member community. If your community wishes to request a review, contact Judith Alland at MAPC (617) 451-2770 by noon on October 13, 1994.



Acton
Boxborough
Carlisle
Concord
Hudson

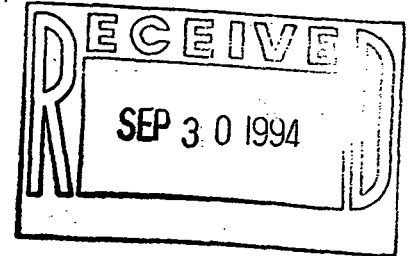
Littleton
Marlborough
Maynard
Stow
Sudbury

**MINUTEMAN ADVISORY GROUP
ON INTERLOCAL COORDINATION**

A Subregion of Metropolitan Area Planning Council

Minuteman Advisory Group on Interlocal Coordination

c/o MAPC, 60 Temple Place, Boston, MA 02111 617 / 451-2770



MEETING NOTICE

October 13, 1994

7:30 p.m.

**Lower Conference Room
Carlisle Education Center
872 Westford St. (Rt. 225)**

(Only the sign is visible from the road -- See map)

7:30 p.m.

Updates and Briefings

Welcome to Lincoln

State of the Region

TIP Update

Rt. 2 CAC: Status & Liaison Mechanism

Ft. Devens: Information & Input Mechanism

Central Mass. Branch Railroad

Rep. Evans wants support for restoration of the Central Mass.

Branch Railroad. MAGIC reps should be prepared to speak for their communities on this issue.

DRI Status Report

Designee to Legislative Committee?

Forum on "Growing Smart" Legislation?

MAGIC Housing Task Force: Progress Report

Other

8:00 p.m.

Regional Transportation Plan

In preparing the draft needs assessment for the Regional Transportation Plan, CTPS is seeking input to determine:

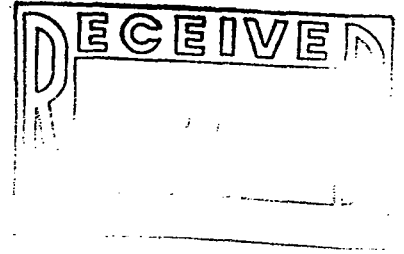
- * Identification of unsafe or severely congested intersections;
- * Unsafe or congested rail-highway grade crossings;
- * Discontinuities in transportation services or facilities between adjacent communities;
- * Need to better accommodate freight movement to, from, or through communities;
- * Adequacy of park and ride facilities and identification of potential new sites; and
- * Other types of existing deficiencies.

8:30 p.m.

Economic Development Project: Getting Communities On Board

MAGIC is beginning its Economic Development Project. The first issue is how to engage local communities in the dialogue. We will discuss several approaches -- a forum, a survey, visits to each board. We will also discuss who else should be involved and plan a timetable.

Your input is vital to this important discussion!!!



TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 9/27/94

TO: Donna Jacobs, Assistant Planner

FROM: Brian McMullen, Assistant Assessor *B.M.*

SUBJECT: Marshall Crossing PCRC
Open Space Parcels

I have reviewed the subdivision plan and locust map for these parcels. It is still early in the stage to determine any financial impacts of this gift. However the Open Space Parcels may have an estimated market value of \$181,800 with an annual tax of \$3245. This of course would depend on whether the Town accepts this gift or how these parcels are conveyed if kept as part of the subdivision an. It is also possible that these Open Space Parcels may not have y financial impact on the Town if they are divided proportionately among the developable lots.

Please do not hesitate to contact me if you need any additional information.

cc: Don P. Jonhson, Town Manager

cc: BOS - FYI

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 10/6/94

TO: The Board of Selectmen
FROM: John Murray
SUBJECT: Residential Community Associations

Selectmen Friedrichs had asked the Town Manager and I to listen to a tape recording of a public radio program concerning the relationships of residential community associations and local overnments. Further he had asked me to obtain a "walkman" in order hat the Board may have access to the tape at its next meeting.

After listening to the tape, I realized that it contained many of the same points that were described in an article from the August 1993 Government Finance Review. In order to facilitate the Board's access to the subject matter, I have enclosed the article for your review.

Selectmen Friedrichs also asked that I provide the tape to the Planning Board. Therefore, I have forwarded this material to them via a copy of this correspondence.

Residential Community Associations: Their Impact on Local Government Finance and Politics

*As the number of residential community associations has increased,
so has their impact on local government decisions and politics.
Fueling the confrontational atmosphere are the issues of property tax
reimbursement and the provision of municipal services.*

By Robert Jay Dilger

There has been relatively little research conducted on residential community associations (RCAs) by the academic community; however, RCAs deserve much greater attention because they are playing an increasingly important role in determining the outcome of state and local government decisions. In recent years, RCAs have emerged as one of the most potent political forces affecting local government land-use decisions in the United States. Moreover, RCAs also have expanded their lobbying efforts at the state government level. Their primary goal has been to convince state legislators to adopt legislation to require local governments to provide RCA members with property tax rebates for local government services that they already have paid for and provided themselves. If successful in all 50 states, these efforts could require local governments to provide RCA members with property tax rebates in excess of \$5 billion annually.

As the number of RCAs in the United States continues to increase and their lobbying efforts at both the state and local government levels continue to expand, interest in research concerning RCAs is certain to increase both among the academic community and state and local government officials.

RCAs and What They Do

RCAs are nonprofit corporations created by real estate developers with local

government approval. The three general types—homeowners' associations, condominium associations and cooperatives—can exist by themselves or can be grouped together into what are referred to as master associations, umbrella associations and master planned communities.

Areas with homeowners' associations (HOAs) typically consist of detached houses or townhouses with common areas. The homeowners own and maintain their individual residences; the association owns and manages their commonly held property, such as swimming pools, tennis courts and streets. Condominium associations (COAs) are usually located in multifamily, multistory buildings. The owners hold title to the interior space of their residences and own the rest of the property, such as hallways, elevators, exterior walls and parking lots, in common. The association manages the commonly owned property. Cooperative associations usually are located in multifamily, high-rise buildings in major metropolitan areas. The association's members do not own any real property. Instead, they acquire a long-term, renewable leasehold interest in their residence plus a share, or proportionate shares, in a corporation that owns the building and grounds. Approximately 51 percent of all RCAs are homeowners' associations, 42 percent are condominium associations and 7 percent are cooperatives.

RCAs serve four basic functions. First, they provide homeowners a governing mechanism to manage commonly owned

property, such as streets, parking lots, tennis courts and swimming pools. Second, they provide services, such as lawn care, street maintenance, trash collection and snow removal. Third, they determine and collect assessment fees to pay for these services. Fourth, they create and enforce commonly held covenants, rules and regulations (CR&Rs) that regulate the behavior of the development's residents. The CR&Rs can, among other things, determine whether and under what conditions a homeowner can own a dog or a cat, build an addition onto their home, run a business out of their home or place a basketball hoop over the family garage.

RCAs also have a fifth function that is seldom, if ever, mentioned in their articles of incorporation: lobbying. Because local governments affect the welfare of RCA members through their taxing, zoning and service delivery functions, RCA members often lobby their local government officials in an attempt to protect or promote their neighborhood's interests. Recent surveys of RCA board members indicate that they regularly monitor local government decisions and attempt to establish personal relationships with leading local government officials. Often using what is referred to as the insider's lobbying strategy, their goal is to establish a good working relationship with local government officials. This, in turn, enables them to become aware of any proposals that may adversely impact their neighborhood early in the local government's decisionmaking process. It also provides them an oppor-

tunity to marshal their resources to respond to any proposal well before it is enacted into law. Many RCAs also have established committees that meet regularly with city council members and department heads to keep lines of communication open.

Recent surveys of RCA board members indicate that most RCAs have a good working relationship with their local government officials and are rarely involved in major political controversies. If the insider's lobbying strategy fails to resolve an issue to their satisfaction, however, RCA members are more than willing to turn to more aggressive forms of persuasion, such as marching on city hall and running advertisements in the local newspaper attacking local government officials who support actions that are perceived to harm the neighborhood's property values or aesthetics. A search of newspaper and journal accounts concerning RCA activities revealed that when RCAs do become involved in major political controversies they are a potent political force. RCAs have been particularly successful in extracting concessions from developers seeking local government approval for projects located near or adjacent to the RCA. RCA members are clearly in the forefront of the NIMBY (Not In My Back Yard) movement in the United States.

RCAs are potent political forces because they have a number of organizational advantages that most other neighborhood groups lack. They have the capacity to raise significant amounts of revenue through regular and special assessments that can be used to hire professional lobbying assistance, including attorneys, engineers and planners. They also already have, through their associations' newsletter, a communications network in place that can be used to mobilize the neighborhood for political action. Their board of directors constitutes a ready-made forum for providing the political leadership that often is necessary to serve as a catalyst for neighborhood political action. Also, their members are used to gathering together to discuss the neighborhood's welfare and have established procedures that help them reach collective decisions.

There are currently more than 150,000 RCAs in the United States, and between 9,000 and 10,000 more are added each year. They range in size from three-unit condominiums and cooperatives to 19,000-unit master planned communities such as Reston, Virginia. The typical RCA

consists of between 40 and 100 units and has an annual operating budget of approximately \$125,000.

Although RCAs are particularly prevalent in Florida (40,000) and California (25,000), they are found in every state. They are especially popular in the nation's larger metropolitan areas, where they account for approximately 50 percent of all new home sales. Nationally, more than one out of every eight Americans (32 million) are currently governed by a residential community association and, based on current growth rates, that number is expected to exceed 50 million by the year 2000.

RCA Issues

As the number of RCAs and RCA members continues to climb, state and local government officials increasingly are forced to address a number of issues involving RCAs. These issues generally fall within one of the following five general categories: taxation, finances, service provision, citizenship and governance, and consumer protection.

Taxation. RCA members across the United States are becoming much more vocal in their demand for property tax relief. RCA members pay local property taxes at the same rate as other property owners in their town or city; however, they also pay assessment fees to provide services, such as trash collection and snow removal, that their local government provides to other members of their community. Thus, RCA members are often taxed by local government for services that they already have paid for and provided themselves.

RCA members have successfully lobbied for laws providing RCA members a property tax rebate commensurate with the cost savings realized from the RCA's provision of services in Houston, Texas; Kansas City, Missouri; Montgomery County, Maryland; and New Jersey. In a case with national ramifications, the Appellate Division of the New Jersey State Superior Court recently dismissed a lawsuit filed by the New Jersey League of Municipalities that challenged the constitutionality of New Jersey's Municipal Services Law, which requires municipalities to reimburse RCAs for the cost of snow removal, street lighting, and collection of recyclable materials and garbage. Similar legislation currently is being discussed in Connecticut's and

Virginia's state legislatures. In Florida, RCA members recently formed the Florida Legislative Alliance, and RCA members in California recently formed the California Legislative Alliance to push for similar legislation there. RCAs in Connecticut, Nevada and New Hampshire also have formed legislative action committees, and RCAs in Texas and Virginia are in the process of forming such committees. These groups are expected to press for state legislation to mandate RCA reimbursement for the provision of "public" services.

Given their difficult financial positions, most local governments have refused RCA requests for property tax rebates. As the number of RCA members nationwide continues to increase and the number of localities and states offering rebates increases, however, the issue of RCA property tax rebates is certain to become more common in state legislatures and in city and town halls across the nation. RCA property tax rebates also are likely to become an important political issue in local and state campaigns in the near future.

Members of single-family homeowners' associations have another tax equity problem. As members of a HOA, they pay property taxes on their commonly owned property; they also pay property taxes on their residences. In many communities, the local tax assessor reflects the added value of common facilities onto the value of the individual's home. As a result, HOA members often are assessed twice for living in a RCA: once when paying their share of the association's property tax bill and a second time through higher appraisals on their home. To promote tax equity, HOA members are becoming more vocal in their opposition to what is, in their view, a form of double taxation.

RCA Finances. Although relatively few RCAs have ever gone bankrupt, many have approached local governments asking for fiscal assistance, typically in the form of a low-interest loan, following an unforeseen financial setback, such as a water-main break. Although local governments are not required to assist RCAs in the event of financial difficulties, most have enacted ordinances which allow them to temporarily assume control of the RCA's operations if a financial emergency arises. Although local governments provide mechanisms to take over financially troubled RCAs, most do not regulate RCA finances in any way. Because local governments are potentially affected by RCA financial activities, some scholars have suggested that local governments

RCA to periodically report their financial status to local government officials and meet certain financial tests, such as maintaining a specified amount in their reserve funds.

Service Provision. Many local governments refuse to provide RCA neighborhoods with services that they routinely provide to other neighborhoods within their jurisdiction. Local government officials argue that they exclude RCA neighborhoods because they subject themselves to liability problems when their employees venture onto RCA property. For example, many local governments will not allow their police officers to patrol RCA streets or enforce traffic regulations on RCA streets without specific, prior written agreements that release the local government from any liability actions. In addition to the liability issue, many smaller towns refuse to collect RCA neighborhood trash because the town often lacks the resources to purchase the special equipment necessary to empty large dumpsters.

RCA members across the United States have been lobbying their local governments for years to provide them with the same services offered in other neighborhoods. Their first major legislative victory came in New Jersey. In addition to requiring municipalities to reimburse RCAs for providing "public" services, the Municipal Services Law requires them to provide RCA neighborhoods with the same services offered in other neighborhoods if the RCA does not already provide the service itself. Bills introduced in Connecticut and Virginia contain similar mandates, and the coalition of RCAs in California, Florida and Texas are expected to lobby for similar legislation in those states. Moreover, an ad-hoc group of RCAs in Naugatuck, Connecticut, recently filed a lawsuit claiming that Naugatuck's refusal to provide them with municipal services violated their constitutional rights under the equal protection clause. The case is expected to go to trial later this year.

Although public finance statistics compiled by the federal government do not include estimates of how much money RCAs are spending on "public" services, the Community Associations Institute, based in Alexandria, Virginia, has estimated that RCAs' current operating budgets exceed \$17 billion annually. Thus, the potential impact of legislation and lawsuits mandating local government reimbursement to RCAs for providing "public" services and mandating the

provision of municipal services to RCA neighborhoods is very significant.

Citizenship and Governance. Because the courts view RCAs as nongovernmental entities, RCAs are not subject to the strict legal standards applied to government. For example, RCAs typically base suffrage rights on home ownership rather than residence. As a result, although renters residing in RCA governed neighborhoods are directly affected by the RCA's decisions, most RCAs do not allow renters to vote at general membership meetings or serve on the RCA's board of directors. Also, most HOAs give one vote to each lot owner rather than to each adult resident in the HOA and most condominium associations give a weighted vote to the owners of each condominium unit based either on the unit's market value or on its square footage. All of these voting mechanisms violate the principle of one person-one vote, first articulated in *Reynolds v. Sims* (1964), that applies to governmental entities.

Some scholars have suggested that since RCAs have many of the same responsibilities as local governments that they should be subjected to the same legal standards that are applied to governmental entities. There is little difference, they argue, between the actions of the RCA's board of directors and its president and the actions of city councils and mayors. They also point out that RCA general membership meetings have all the trappings of an old fashion town hall meeting, where neighbors come together to discuss, sometimes rationally and sometimes irrationally, the future of their neighborhood. As a result, they argue that constitutional requirements, such as the one-person-one-vote rule, or some variant of it, should be applied to RCAs.

Consumer Protection

Many home buyers in RCA-governed neighborhoods do not understand the extent of their association's powers when they purchase their home, nor do they usually have a full or, in many cases, even a partial knowledge of the RCA's financial condition. Although most local governments require real estate developers to fully disclose the neighborhood's CR&Rs to prospective new home buyers prior to closing, some local governments have not addressed the issue, and many more only require notification the first time the home is sold, not on subsequent resales. Some

FOR FURTHER READING

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- Budd, Kenneth. 1992. "A Force in Ring." *Common Ground*, (November/December): 14-20, 40.
- Community Associations Institute (CAI). 1993. *Community Associations Factbook*. Alexandria, VA: CAI.
- Community Associations Institute. *Common Ground* (various issues).
- Dilger, Robert Jay. 1992. *Neighborhood Politics: Residential Community Associations in American Governance*. New York, NY: New York University Press.
- Dowden, James C. 1980. *Community Associations: A Guide for Public Officials*. Washington, DC: Urban Land Institute.
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- Hyatt, Wayne S. 1988. *Condominium and Homeowner Association Practice: Community Association Law*, 2nd ed. Philadelphia, PA: American Law Institute.
- Winokur, James L. 1990. "Reforming Servitude Regimes: Toward Associational Federalism and Community." *Wisconsin Law Review* 2:537-552.

scholars suggest that all local governments should require notification of the RCA's CR&Rs and its financial condition to home buyers prior to closing every time the home is sold. They point out that new home buyers in RCA-governed communities should be alerted to any pending

special assessments that may be necessary to renovate or repair neighborhood facilities.

California, New York and Virginia currently require sellers of homes in RCA-governed neighborhoods to provide all potential purchasers with a public offering statement. This statement usually includes a copy of the RCA's bylaws and CR&Rs, as well as a summary of the RCA's financial condition and current assessment fees. The buyers then have a cooling-off period during which they have an opportunity to review the material and rescind their purchase agreements. California also requires its RCAs to conduct a reserve study that estimates the useful life of relevant common facilities and to include the study in the public offering statement.

Conclusions

Because RCAs are private organizations, they are not regarded as full partners in the intergovernmental system of governance in the United States. Their increasing numbers and interactions with state and local governments, however, make them important actors in that system. For millions of Americans, their RCA is a decision-making institution that is as important to them as their local government, if not more so.

In the short term, RCA demands for property tax reimbursements and the provision of municipal services is likely to create a confrontational atmosphere. Given the budgetary implications of reimbursing RCAs for providing "public" services and of providing municipal services to them, RCAs are quickly learning that the insider's lobbying strategy

is not likely to produce the results they desire on these issues. Marches on city hall; negative political advertising; and appeals to the state legislature or the courts are likely to become the rule, not the exception, over the next several years.

RCAs provide neighborhoods an opportunity to come together and voice their concerns and desires to elected officials as a group. As such, RCAs hold the potential to represent a major advance in the continuing effort to enhance communication between citizens and their elected government officials. □

ROBERT JAY DILGER is director of the Institute for Public Affairs at West Virginia University. He is the author of three books and numerous articles and chapters dealing with national intergovernmental programs and state and local government. The author would like to thank Kenneth Budd of the Community Associations Institute for reading and commenting on an earlier version of this article.

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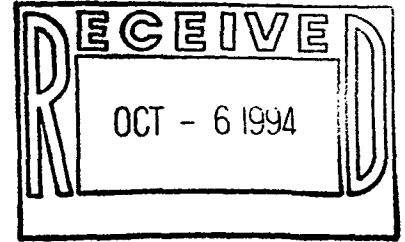


October 3, 1994

cc: BOS

TOWN OF CONCORD
BOARD OF SELECTMEN'S OFFICE
22 MONUMENT SQUARE - P.O. BOX 535
CONCORD, MASSACHUSETTS

TELEPHONE (508) 371-6202
FAX (508) 369-5240



Mr. John Haley
General Manager
Massachusetts Bay Transportation Authority
Ten Park Plaza
Boston, MA 02116

Dear Mr. Haley:

Concord and other towns along the Fitchburg Line are pleased to learn that two important track rehabilitation projects are, at last, going ahead. Rehabilitating the tracks immediately outside of North Station and between South Acton and Ayer will save time for existing riders and money for the MBTA, and will attract new riders.

To complement these projects, the Concord Board of Selectmen strongly support two additional improvements on the Fitchburg Line:

- Establish a regional park-and-ride station in Littleton with more frequent service and improved access from Routes 2 and 495, and
- Allocate one additional train set, making at least four round trips per day.

Both of these are important from the regional perspective, as outlined in the attached summary of "A Case for Modest Improvements to the Fitchburg Line." In addition, the Town of Concord has specific interests in both.

A viable park-and-ride station in Littleton would provide immediate relief to the serious parking shortage at the West Concord station. This lot is typically full by 7:45 AM, and other nearby parking spaces are taken shortly thereafter. The effect is to discourage use of the MBTA service by later commuters. (Circumstances appear to be very similar in South Acton.) There is hardly any space to expand the West Concord lot, and it would be very difficult for the area to accommodate additional traffic in the concentrated form imposed by commuter rail schedules. However, a significant number of cars now parking at the West Concord station are those of commuters who drive from or through Littleton and who could more easily board a train there, if comparable service were offered.

Mr. John Haley, General Mgr., MBTA

We understand that locating a regional station is not a simple matter. Concerns expressed by the Town of Littleton relative to increased traffic through residential neighborhoods seem to be well-founded based on our own experience, and need to be addressed. Regardless of the specific site selected, we strongly recommend that plans and funding for an expanded station in Littleton be adequate to provide safe and efficient access from Routes 2 and 495. We expect that, with a concerted and cooperative effort, a solution can be identified that will ease current congestion around the West Concord and South Acton stations, without creating similar problems in neighboring Littleton.

An additional train set on the Fitchburg Line would make it possible to increase the number of trains per day to that of other lines with similar levels of ridership and to address the current problem of inadequate service to communities closer to Boston. We are concerned by proposals that would merely adjust the schedule to provide better service to those towns while using only the current complement of equipment. Such proposals would actually delay or reduce service for Concord and other outlying communities. The efficacy of a regional station would also be diminished, if timely service could not be offered to potential riders.

We would like to point out that, since 1986, the Fitchburg Line has enjoyed the largest percentage growth of any commuter rail line in the MBTA service area. It now carries about 4000 round trip passengers per weekday. More than 25% of these people use the Concord or West Concord stations, and nearly a quarter of that 25% commute to Concord for work or school. They put considerable pressure on our streets and services, especially when the greatest volume is concentrated around a small number of trains. In order for the line to absorb additional growth in ridership, scheduled service must also grow from its present levels.

We believe that these two improvements will help the Fitchburg Line to grow with demand, take pressure off Concord, and help our neighboring communities, while providing better service to new and existing riders alike. Our representative to the MBTA Advisory Board, Mr. Hugh Lauer, will be contacting your office to follow up on this letter and answer any questions you may have regarding the attached report. We request your serious consideration.

Yours truly,

Leland H. Wood
E. W. Johnson
James R. Wagoner
Concord Board of Selectmen

James R. Wagoner
James R. Wagoner

LGW/cfl

encl:

cc: / Littleton Board of Selectmen
Acton Board of Selectmen
Mr. Hugh Lauer, MBTA Advisory Board Representative

A Case for Modest Improvements to the Fitchburg Line

Summary

Prepared by Hugh C. Lauer
MBTA Advisory Board Representative
Town of Concord

This document presents a case for two modest improvements to service on the Fitchburg Line of the MBTA Commuter Rail system, in addition to the track rehabilitation already in progress. Specifically, we request that the MBTA:—

- *Establish a regional park-and-ride station near the intersection of Routes 2 and 495 with adequate parking, easy access from both highways, and train service at least equal to that of South Acton and West Concord.*
- *Allocate one additional train set to the Fitchburg Line and modify the schedule to provide half-hourly service in rush hour between Boston and Route 495 and improved service all the way to Fitchburg.*

The Fitchburg Line is the longest in the MBTA Commuter Rail system and has the most stations. In ridership, it now ranks fifth or sixth among the nine commuter rail lines according to MBTA audits of the past several years. In percentage terms, ridership on the Fitchburg Line since 1986 has grown more than that of any other line. Moreover, approximately 30% of the riders are either off-peak riders or reverse direction commuters, one of the highest proportions in the commuter rail system.

This growth in ridership has brought increasing pressures on the line and to the communities it serves. Rush hour trains are full in normal conditions and over-crowded in peak conditions. Parking lots are also full, often by 7:30 or 8:00 AM. There is a growing demand for another early morning train, more frequent service near the end of the evening rush hour, better service to the outer stations in the evening, more express trains, and equality of service to the inner stations.

However, current conditions make it difficult to fulfill these demands.

- The track is deteriorating in several locations, most notably on the stretch between South Acton and Ayer and the section just outside North Station and continuing past the Boston Engine Terminal. These result in speed restrictions which cost time for riders and money for the MBTA.
- Only four train sets are allocated to the line. They make a total of sixteen round trips per day, fewer than any line in the system. Because of the length of the line, most trains cannot make more than one rush hour trip, and therefore it is impossible to add rush hour trains with the current complement of equipment.
- Because of the length of the line, number of stations, and the total travel time, there is a strong demand for express trains from the outer stations in order to be competitive

with automobile travel times. This creates a conflict with the need for service to the inner stations skipped by the expresses, leaving serious gaps in the schedule.

- The schedule is unbalanced. Service in the morning favors the outer stations, but in the evening it favors the inner stations. Potential riders able and willing to use the service in one direction find it impossible to commute in the other direction.
- For many riders living outside Route 495, South Acton and West Concord stations are, for practical purposes, the end of the line. Only three evening rush hour trains continue beyond South Acton, creating problems for riders who must work late or who miss trains due to delays on the Red or Green Lines.

As a result, the line is underutilized west of Route 495, and many commuters from those communities find it better to drive part or all of the way to the urban core.

- Littleton-495 station, at the interchange between Routes 2 and 495, is ideally situated to be a regional park-and-ride facility, serving riders from many communities. However, access from the highways is difficult, parking is negligible, train speeds are not competitive with automobile speeds along Route 2, and too few trains operate that far.

A low cost, effective way of alleviating these conditions, meeting the growing demand, and continuing the growth in ridership involves three modest improvements — (1) rehabilitate the track, (2) establish a regional park-and-ride station at the junction of Routes 2 and 495, and (3) allocate an additional train set to improve the schedule.

The first of these is already in progress. Once the deteriorated sections of track are fixed, it will be possible to cut fifteen minutes from the schedule each way between Boston and Fitchburg. The increased speed will also make it possible for all trains that currently turn around at South Acton to continue on to Route 495 and turn around there, while keeping essentially to the same schedule. Finally, it will make train speeds more competitive with automobile times, especially west of Route 495.

These are prerequisites for the second improvement, a viable park-and-ride station at Routes 2 and 495. Such a station must, of course, have adequate parking. In order to attract drivers from the highways, it must be very easy to reach from both highways. At the same time, the parking lot and access must be situated to avoid funneling commuter traffic through residential streets of the Town of Littleton. While connections to an interstate highway can be expensive, it appears to be possible to add one or more on- or off-ramps from Route 495 without building new overpasses or underpasses.

With faster trains and full service as far as Route 495, we expect that this regional station would immediately become one of the busiest on the Fitchburg Line. It would off-load West Concord and South Acton, and it would attract new riders who currently drive to Boston or Cambridge via Route 2.

However, these new riders would add to the rush hour trains, which are already full. Adding more cars to these trains would be a step in the wrong direction. They would slow down the trains due to the longer acceleration times for the heavier load and due to the longer boarding times. Moreover, extra cars would not address any of the other demands or problems on the line.

These can be addressed by the third improvement, an additional train set. This would not only provide the additional capacity for more passengers, but it would also make it possible to

- balance the schedule between inner and outer stations,
- provide service to *all* stations between Boston and Route 495 at half-hourly intervals during rush hour,
- increase the number of outbound rush hour trains running all the way to Fitchburg,
- increase the number of rush hour express trains serving middle and outer stations from one to two in each direction, and
- add one additional reverse direction train in the morning and evening rush hours.

An analysis of several possible scenarios for deploying the additional train set shows these objectives could be satisfied by a net increase of four to six train hours per weekday to the schedule. This would increase the operating cost by about \$1–1.5 million per year.

In order to recover \$1 million per year in fares, approximately 800 new round-trip riders would be needed, half boarding at Route 495 or beyond. This would be an increase of about 20% in total ridership. Although it is optimistic, this kind of growth in ridership is not beyond reason and could be easily attained with adequate publicity and promotion. However, a conservative projection of 10–15% growth within, say, the first two years is probably more realistic. Even this additional ridership would provide 50–75% fare recovery if half came from Route 495 or beyond. This would easily exceed the MBTA Board's requirement of 40% fare recovery for new services.

It is useful to compare these three modest improvements with the case considered by the Central Transportation Planning Staff (CTPS) during their preparation of the *Program for Mass Transit*. The CTPS analyzed a case for six additional train sets and concluded, based on the population density along the Fitchburg Line and future ridership projections, that such a massive investment is unjustified. We agree that the six-train case is absurd. Many of the benefits can be obtained on a pay-as-you-go basis with the one-train case of this proposal. A second train would improve service more, but would be justified only after the first pays for itself in additional fares.

We also believe that the CTPS has underestimated ridership for the Fitchburg Line throughout its analyses. In particular, current ridership according to MBTA audits *already* exceeds CTPS projections of ridership for the year 2020.

This proposal is an incremental approach to the growth of ridership on the Fitchburg Line. It is more appropriate than massive and risky investment of the taxpayers' money. It allows the MBTA and the communities along the line to evolve to the right level of service step by step. Trains can and should be added one at a time, but only when they are justified by ridership. The schedule on the Fitchburg Line has seen very little change in more than two decades. This proposal would be an appropriate first step.

- It would bring the level of service on the Fitchburg line up to that of the other north side lines.

A Case for Service Improvements to the Fitchburg Line

- It would fill in gaps and balance the schedule, capturing a larger proportion of the commuters living along the line today.
- It would nearly pay for itself in the short term through additional ridership and fares.

Finally, we observe that new or improved commuter rail service has stimulated economic growth in other areas of the Boston Metropolitan region. We would expect these improvements to do the same along the Fitchburg Line.

cc: BOS

**ACTON BOARD OF HEALTH
MINUTES
AUGUST 29, 1994**

MEMBERS PRESENT: BILL MCINNIS - CHAIRMAN
MARK CONOBY
CINDY PATTON
PETER VAILLANCOURT

STAFF PRESENT: DOUG HALLEY - HEALTH DIRECTOR
HEATHER MARCEAU - SECRETARY

OTHERS PRESENT: PAUL MARCHOCKI
BETSY AND JOEL SEARCY
BRUCE STAMSKI, STAMSKI & MCNARY
LISA WOLF

The Meeting opened at 7:30 p.m.

MINUTES:

On a motion made by Mr. Conoby, seconded by Mr. Vaillancourt, the Board unanimously voted to accept the minutes of August 15, 1994 following corrections.

VARIANCE REQUEST - 14 BALSAM DRIVE:

Bruce Stamski, of Stamski & McNary was present to request that the Board of Health grant a variance for a septic system to be built at 14 Balsam Drive. Due to the existing wetlands, the depth of ledge, the steep slopes and site configuration the slope requirements of Title 5 cannot be met. The Engineer has designed a septic system which meets the specifications proposed in the Title 5 Revisions for slope requirements. The system will be 3 - 52' long trenches, 2.5' wide and 2' deep, which will provide 1,014 sq. ft. of leaching area. As required by present Title 5, a variance from 310 CMR 15.14 (Figure 1) is needed.

The Health Department recommended that the Board approve the variance from 310 CMR 15.14 (Figure 1) and also recommended that due to the steepness of the slope an impervious barrier should be placed.

On a motion made by Ms. Patton, seconded by Mr. Conoby, the Board unanimously voted to grant the variance from 310 CMR 15.14 (Figure 1) with the conditions as noted in a memo from Doug Halley dated August 24, 1994 (See attachment A). The Board also agreed that an impervious barrier should be placed around the system.

HOUSING APPEAL - STRAWBERRY HILL APARTMENTS:

The Health Director informed the Board that a housing inspection was performed on August 12, 1994 by Alan Perry at 16C Strawberry Hill Road, Unit 26, Acton. Violations were cited with regard to holes in the bathroom wall and the bathroom mirror being off of the wall. The carpeting was found to be torn badly throughout the unit. The tenant claimed that he has a hard time keeping it (the carpet) clean. Cockroaches were also found alive in this unit. An order letter was sent on August 12, 1994 ordering Mr. Keremaris to abate the above-referenced violations.

George Keremaris attended the meeting and presented receipts from a pest control operator that had recently sprayed the apartment buildings and he also presented a receipt for the work done in the bathroom. The only outstanding violation to be abated is the torn carpeting. Mr. Keremaris wishes for the Board of Health to allow him extra time to correct the violation of the torn carpeting. This is considered a safety hazard and Mr. Keremaris was ordered to abate this violation within 30 days. Mr. Keremaris stated that he is in the process of evicting the present tenant, and he does not want to do the work until the tenant is gone. He asked the Board to extend the time allotted for this violation to be corrected. The Board asked Mr. Keremaris if there was something he could do now to temporarily correct the violation until the tenant is evicted. Mr. Keremaris proposed that he could buy pieces of carpeting to temporarily cover the torn carpeting until the tenant is evicted. After the tenant is gone, Mr. Keremaris would have to implement a permanent solution. Mr. Keremaris was in agreement with the Board on this decision.

The Board agreed to extend the time period given for the permanent abatement of the violation from 30 days to 60 from the receipt of the initial order. However, he is still responsible for the temporary abatement which has to be done by the time allotted (30 days) after the receipt of the initial order dated August 12, 1994.

VARIANCE REQUEST - 33 ONEIDA ROAD:

The Health Department has received a request from ABC Cesspool in regards to the reconstruction of a septic system at 33 Oneida Road. Due to shallow deep test holes, severe slopes and a slow percolation rate, the system is unable to meet the breakout requirements of Title 5. The Health Department recommended that the Board grant the Variance request from 310 CMR 15.14 Figure 1 for the septic system at 33 Oneida Road.

On a motion made by Mr. Vaillancourt, seconded by Ms. Patton, the Board unanimously voted to grant the variance from 310 CMR 15.14 Figure 1 to 33 Oneida Road with the conditions as noted and amended in a memo from Doug Halley dated August 24, 1994 (See attachment B). Amendments to the conditions are as follows:

4. An as built plan shall be prepared by a Professional Engineer or a Registered Sanitarian. The construction of the septic system shall be certified to meet the specifications of the approved plan and Title 5 by the Engineer or Sanitarian.
5. All other laws and regulations applicable to the construction of a septic system shall not be impacted by the granting of this variance.

VARIANCE REQUEST - 39 OLD VILLAGE ROAD:

The Health Director informed the Board that the Health Department has received a variance request from Dave Perley, P.E. in regards to a reconstruction of a septic system at 39 Old Village Road.

Due to various factors such as high groundwater and severity of slope, the distance for an interceptor drain to a leaching system cannot be met.

The engineer has proposed to place a clay barrier between the interceptor and the leaching field. All D.E.P. specifications for a clay barrier have been met.

The Health Department recommended that the Board grant the Variance Request from 310 CMR 15.03 (7) Distances (1)(2).

On a motion made by Mr. Conoby, seconded by Mr. Vaillancourt, the Board unanimously voted to grant the Variance from 310 CMR 15.03 (7) Distances (1)(2) to 39 Old Village Road with the conditions as noted and amended in a memo from Doug Halley dated August 24, 1994 (See attachment C). The amendments to the conditions are as follows:

4. An as built plan shall be prepared by a Professional Engineer or a Registered Sanitarian. The construction of the septic system shall be certified to meet the specifications of the approved plan and Title 5 by the Engineer or Sanitarian.
5. All other laws and regulations applicable to the construction of a septic system shall not be impacted by the granting of this variance.

VARIANCE REQUEST - 19 BRUCEWOOD ROAD:

At a previous meeting, the Board of Health approved a variance request from Gary Oldenberg in regards to the reconstruction of a septic system at 19 Brucewood Road. The previous variance had to be approved by D.E.P. During the review process, D.E.P. expressed concerns regarding the percolation rate and requested that redesign be done with a 60 minute per inch criteria. The size of the system has now increased, and a variance is required for the setback from the foundation. It also requires approval from the Board of Health to vary the perc rates of Title 5.

The Health Department recommended that the previous variance be amended to include variance from 310 CMR 15.03 (4) Percolation test (e) and 310 CMR 15.03 (7) Distances (1)(2).

On a motion made by Ms. Patton, seconded by Mr. Vaillancourt, the Board unanimously voted to amend the Variances to 19 Brucewood road by grant the Variances from 310 CMR 15.03 (4) Percolation test (e) and 310 CMR 15.03 (7) Distances (1)(2) with conditions as noted and amended in a memo from Doug Halley dated August 24, 1994 (See attachment D). The amendments to the conditions are as follows:

4. An as built plan shall be prepared by a Professional Engineer or a Registered Sanitarian. The construction of the septic system shall be certified to meet the specifications of the approved plan and Title 5 by the Engineer or Sanitarian.
5. All other laws and regulations applicable to the construction of a septic system shall not be impacted by the granting of this variance.

VARIANCE REQUEST - LOT 2A JAY LANE:

Mr. Halley informed the Board that the Health Department has received a request from Lancewood Engineering regarding a variance from an approved Disposal Works Permit for Lot 2A Jay Lane. The septic system was designed to be stepped trenches on the face of a hill. As proposed, the primary system was to be down gradient from the reserve. At the beginning of the work at the site, the reserve was staked out for construction and was built at the primary elevations, which were lower than the reserve elevations. During the course of drawing an as-built plan, the engineer noted the discrepancy. At the time of the original testing, a 1' offset was established because U.S.G.S. reports indicated that groundwater was below normal levels in December 1993.

In January 1994, the offset was dropped because records indicated that the groundwater has returned to normal levels.

In order for the system to be in compliance with the offset elevations, each trench would have to be excavated and gravel would have to be place at the bottom of the trench up to the elevation originally proposed.

The Health Department cannot determine the true elevation of groundwater until the Spring of 1995. Due to the fact that D.E.P. had concerns about groundwater levels for abutting lots which required variances, the Health Department has concerns about leaving the system as is. The Health Department feels that it would be preferable to rebuild the system.

On a motion made by Mr. Patton, seconded by Mr. Vaillancourt, the Board unanimously voted to table this item until the engineer can be present to answer the Board's concerns in this matter.

On a motion made by Mr. Conoby, seconded by Ms. Patton, the Board unanimously voted to adjourn the meeting at 10:05 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read 'W. McInnis', written in black ink.

William McInnis, Chairman
Acton Board of Health

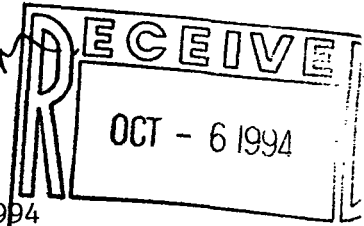
A handwritten signature in cursive script, appearing to read 'Heather Marceau', written in black ink.

Heather Marceau, Secretary
Acton Board of Health

T O W N O F A C T O N

I N T E R - D E P A R T M E N T A L C O M M U N I C A T I O N

TO: Don P. Johnson, Town Manager
FROM: Brian McMullen, Assistant Assessor
SUBJECT: Christian Science Church
(Three Pines Realty)



October 6, 1994

This memo serves to clear up matters regarding the copy of the letter sent to you from Mr. Canning dated September 20, 1994. The property at 267 Central Street was acquired by the Christian Science Church on April 17, 1992. At the time of acquisition, the property was in Tax Title. All delinquent taxes, interest and charges including the first three quarters of FY 92 were paid by Mr. Canning as of the acquisition date. However, the fourth quarter tax of FY 92 remained unpaid. It was Mr. Canning's belief that since the church was a tax exempt organization, the fourth quarter taxes were not owing.

Under Mass General Laws the church was not tax exempt until FY 93. Therefore, the fourth quarter of FY 92 was owed by the church and the Tax Exempt status did not begin until July 1, 1992.

Subsequently, Mr. Canning, as he states in his letter, had received letters from the Acton Tax Collectors Office addressed to Three Pines Realty, which was the legal owners of record as of January 1, 1991. According to Mr. Canning the unopened letters were returned by Mr. Canning as incorrectly addressed. It is our understanding (mine and the Collectors Office) that these were tax title letters, since the fourth quarter Tax Bill was still outstanding. He further states that his wife on two occasions personally returned these letters unopened, and at both times was informed that the church was tax exempt. However, we believe that these letters, personally returned by his wife, were preliminary tax bills for FY 93 and not tax title letters. If this were the case, then the church at the time would have been tax exempt, beginning July 1, 1992 effective FY 93 according to M.G.L. 59, section 5.

It is Mr. Canning's contention that he believes the church was tax exempt as of 4/17/92 and that the FY 92 fourth quarter bill was not due. Mr. Canning states that if matters had been properly explained to him in a timely fashion, he would have paid the fourth quarter bill prior to the Town taking it into tax title, thus not incurring additional charges and interest. Additionally, Mr. Canning believes he was not properly notified by the Town that the property was going into Tax Title for fourth quarter unpaid taxes, since Tax Title notices were sent addressed to Three Pines Realty (as required by law).

cc: BOS -

10/7/94

BRIAN'S COMMENTS ARE A BIT CONFUSING BECAUSE HE IS TRYING TO "SHORT-HAND" SOME VERY COMPLEX LEGAL REQUIREMENTS. THE BOTTOM LINE IS MR. CANNING HAS RECEIVED A WAIVER AS A GOOD FAITH ADJUSTMENT WITH RESPECT TO INTEREST CHARGES. (I FIND CLUES AS TO POSSIBLE REASONS FOR CONFUSION IN BRIAN'S REFERENCE TO AN INDIVIDUAL WHO NO LONGER WORKS FOR US.)

Ken James was handling this matter with Mr. Canning. Since Ken is no longer with the Town, we have been unable to determine all circumstances surrounding Mr. Canning's allegations that the Town ld him the church was tax exempt and did not owe the fourth arter FY 92 taxes. Due to this uncertainty and the good faith payment of all other taxes due at 4/17/92, the Collector's office believes Mr. Canning should only pay the tax amount. Accrued interest and charges have been waived.

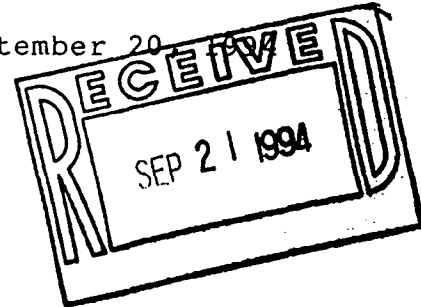
Please let me know if you need any further information.

cc: Roy Wetherby
Marcella Sultan

NOTE: See Mr. Canning's second letter stopping payment on his first check and issuing The Town of Acton another check.

5 Betsy Ross Circle
Acton, MA 01720

September 20



Mr. Brian MacMullen
Tax Assessor
Town Hall
472 Main Street
Acton, MA 01720

Re: Three Pines Realty; Christian Science Church

Dear Mr. MacMullen:

Without appearing maudlin, how would you feel if the Town of Acton (assessors, tax collector) without proper and direct contact, takes \$1,281.61 out of your pocket?

Government versus the taxpayer and the latter is most always the one who pays because the Government is faceless, hiding behind laws that uphold its actions, right or wrong.

That is what happened to two Acton residents, my wife and myself, yesterday, September 19, 1994.

The day of closure--April 17, 1992--Joan and Howard Canning, treasurer and designated representative respectively, for the local Christian Science Church appeared at the Town Hall to pay the back taxes on the church's newly acquired building and property at 267 Central Street. A hefty \$16,500.98 was paid.

The church, we understood, had paid off the indebtedness of the now tax-exempt property.

Subsequently, letters from the Acton Tax Collector were received addressed to Three Pines Realty. They were returned as missent. On two different occasions they were returned personally by my wife. Each time she was informed that the church was tax exempt. "Sorry for the inconvenience."

Last week, I inadvertently opened the latest such letter and returned it personally, requesting that the address records be corrected. I was informed that the last quarter (April 1 to June 30, 1992) on the property was still owed by the church together with interest and charges.

To absolve the Town of any incorrectness, a COURTESY tax bill (new to me) was shown to me "proving" that the fourth quarter's bill had been "contested."

Neither the Cannings nor the church would have contested a bill and left it to grow. We would have acted as I had to do on Monday, September 19 to avoid further encroachment into my finances. I say mine because I was charged by the church with overseeing this transaction and theoretically, I have failed.

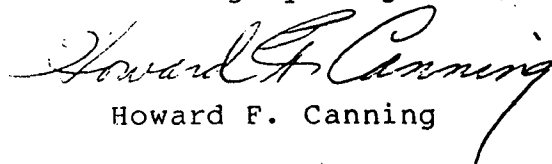
Three different times we personally "trusted" the veracity of Town representatives that we had paid all back taxes. Delinquent tax bills were sent to Three Pine Realty and not to the church. How are we to legitimately know we are "delinquent?"

The church wanted to pay what was owed. We believed that we did. We were, and have been, misled. We wanted to do the right thing. It seems far from fair that we should have to pay this large sum of money. Unintentionally, it was finally detected.

Somehow, we were supposed to know that a closing date means nothing but a date within a tax quarter that finalizes back tax indebtedness. We have been truly duped!

I protest this payment and the position in which I have been placed. I'm a victim of so-called Big Government. Just another reason why the citizenry distrusts and dislikes Government.

Thoroughly disgusted,


Howard F. Canning

CC: Wayne Fredericks
Donald Johnson
Pam Resor: State greed legislates payment of back taxes to the end of a tax quarter and limits the period of abatement.

Christian Science Society
267 Central Street
Acton, MA 01720

September 28, 1994

Mr. Brian MacMullen, Assessor
Acton Town Hall
472 Main Street
Acton, MA 01720

Dear Mr. MacMullen:

Re: Three Pines Realty/Christian Science Church

The lawyer conducting the closing on 267 Central Street, Acton, from Forsyth Realty to the church on April 17, 1992;

the Acton tax collector when requested to total all back taxes dating to April 17, 1992 (or the end of the fourth quarter as church representatives have since been told);

the Acton tax collector on two subsequent dates in 1992 when bills mailed to Three Pines Realty but put in the church's mailbox were delivered to Acton tax collectors by the church treasurer;

did not inform church representatives that additional back taxes beyond what they paid were due.

All other tax statements addressed to Three Pines Realty were returned to the Acton tax collector via the postal system.

How can anyone be expected to pay a bill that they have not received?

In light of conversations with lawyers at the Massachusetts Department of Revenue citing the broad powers to tax afforded cities and towns in the Commonwealth, a check for \$811.46, the tax for the quarter April 1/June 30, 1992, and terminating charges, penalties, interest is enclosed.

This payment is made under protest as unjustified because of the church's intent to pay all back taxes on time and was somehow denied that possibility. The church should now be free of all other charges, penalties and interest as well as the lien placed on its property. A written statement to that effect is requested.

Respectfully,

Mitchell Szymansky
Mitchell Szymansky
Treasurer

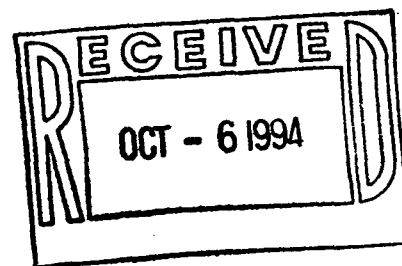
Encl. Check for \$811.46

cc: Donald Johnson, Wayne Fredericks,
Pam Resor: Please introduce a bill declaring back taxes terminate at closing date

cc: JOHN
BOS

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108



Henry G. Stewart
(617) 573-0316

Telephone: (617) 573-0100
Facsimile: (617) 227-4420

October 4, 1994

BY TELECOPY

Robert V. Collins, Esquire
International Brotherhood of Police Officers
159 Burgin Parkway
Quincy, Massachusetts 02169-4213

Dear Mr. Collins:

Your letter dated September 29, 1994 to Mr. Igoe has been referred to me for reply. The Town of Acton has estimated that your request will cost approximately \$150.00 in search and segregation time and approximately \$375.00 in copying costs. As you are undoubtedly aware, certain information on W-2 forms is exempt from disclosure and additional costs will be incurred in making the necessary deletions. Will you let us know whether you want copies to be made. Please contact Mr. John Murray and let him know how you want the Town to proceed.

The Town did not receive a copy of your letter dated August 15, 1994. The Town did receive a letter on the same date addressed to the Middlesex County Retirement Board (see attached) and perhaps the letter directed to the Town was sent to the Retirement Board.

Incidentally, since you knew that I represent the Town in these matters, you might have saved a significant amount of time and effort by calling and discussing this matter with me.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Henry G. Stewart".
Henry G. Stewart

HGS:cgr

cc: Mr. John Murray ✓
Lauren Inker, Esquire



INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS

A DIVISION OF THE NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES, AFL/CIO

159 BURGIN PARKWAY, QUINCY, MA 02169-4213
TEL.# 617/376-0220

August 15, 1994

cc: G. ROBINSON

BOS

H. STEWART, P&D

John J. Walsh
Executive Director
Middlesex County Retirement Board
Court House
East Cambridge, MA 02141

Dear Mr. Walsh:

I am writing to request that the Middlesex County Retirement Board provide this organization with a statement as to the income and/or "regular compensation" of Acton Police Chief George W. Robinson, as reported to the Board for the years 1990-1994 inclusive.

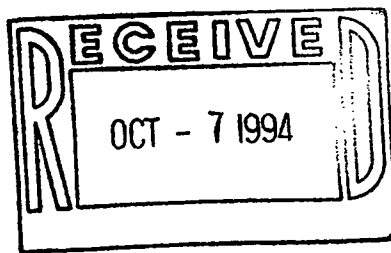
This request is made pursuant to the Fair Information Practices Act, the Public Records Act and any and all other applicable statutes, rules and regulations.

Thank you in advance for your anticipated attention and compliance in this matter within the ten (10) days provided by statute.

Sincerely,

Robert V. Collins
Counsel

cc: Garrett Mahoney



cc: BOS
D. ABBT

Board of Selectmen
Town of Acton
Acton, MA 01720

P.O. Box 306
Bolton, MA 01740
October 5, 1994

Gentlemen:

Some weeks ago I spoke with Mr. David Aft of the Acton Department of Engineering over my concerns with regard to the parking lot enhancements which are currently (still) underway at the South Acton commuter rail station.

As a commuter from Bolton who is dropped off rather than a parker, I feel that there are considerable safety concerns for pedestrians and drivers under the scope of the new design. By not placing cross pathways on the green strips, there will be no access during the snowy season for pedestrians to get to their cars except via the side roadways - where hurried drivers will be queueing up to exit the lot. And, in an effort to strictly direct the flow of traffic at the front of the lot, a curved curb bottleneck is being constructed which will surely become a hidden hazard during real winter weather. How will a plow determine the run of this curve once it is below substantial snowfalls?

I would hope that architects of these modifications will reconsider exactly what the purpose of this new design is - ease of flow for cars and commuters; or a disfunctional and dangerous, albeit attractive revision to an already marginally safe commuter rail station.

Yours truly,

Martha B. Remington

CC: C. LAKE - FYI, RE BUDGET PREP.

BOS - FYI

MINUTEMAN HOME CARE

9/26



Serving the Elderly

24 Third Avenue, Burlington, MA 01803
(617) 272-7177 or (508) 263-8720
FAX (617) 229-6190
TDD (617) 272-3114

Hugh McGowan, Board President
Joan Butler-West, Executive Director

September 19, 1994

Mrs. Marcia Epstein, Chairperson
Acton Council on Aging
16 Carlton Drive
Acton, MA 01720

Dear Mrs. Epstein:

In FY 1994 Minuteman Home Care provided services to 764 residents of Acton at a total value of \$213,833. A detailed breakdown of the services used is attached.

As a nonprofit organization our purpose is to (1) provide elders with the assistance they need to live independently in their own homes and communities and (2) support family members in their efforts to maintain an ongoing caregiving role.

The majority of our funding comes from government grants and contracts which have not kept pace with the growing elderly population in our 16 community region.

We coordinate our work with Councils on Aging and other local service providers. An Acton resident is a voting member of our Board of Directors to assure that your community's interests are represented in our program planning and decision making.

It is based on the 1990 federal census and adjusted annually by the CPI. Your local assessment for FY 1996 is \$1,643. These funds are critical as they enable us to leverage federal funds and help pay for our extensive meal program.

If you have any questions regarding Minuteman Home Care please call me. I am enclosing a copy of our agency brochure for your information.

Sincerely,

Joan Butler-West
Executive Director

JB-W/bm

CC: Carol Lake, Council on Aging Director
Dick King, Board Member
Town Manager

Enclosures

/acton.tr

Minuteman Home Care
Fiscal Year 1994

OWN OF: ACTON

<i>SERVICES</i>	<i>CLIENTS</i>	<i>DOLLAR AMOUNT</i>
INFORMATION AND REFERRAL:	97 *	\$2,111
CASE MANAGEMENT—IN HOME SERVICES:	52	101,418
PROTECTIVE SERVICES:	7	4,145
TRANSPORTATION:	7	5,461
HOME DELIVERED MEALS:	81	36,143
EATING TOGETHER PROGRAM:	153	38,926
NURSING HOME PRESCREENING:	46	8,193
RESPIRE COMPANION:	4	3,025
NURSING HOME OMBUDSMAN:	261	2,859
LEGAL SERVICES:	18	2,675
SENIOR AIDE (OLDER WORKERS):	1	3,854
ALZHEIMERS SERVICES:	1	193
VOLUNTEER SERVICES:	15	1,866
MONEY MANAGEMENT:	2	1,302
INDEPENDENT LIVING FUND:	0	0
SHINE:	11	942
OLDER MEN'S OUTREACH:	8	720
TOTAL:	764	\$213,833

* CALLS



WILLIAM F. WELD
GOVERNOR

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT



A. DAVID RODHAM
DIRECTOR

MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY

TO: Emergency Managers/Civil Defense Directors

FROM: John T. Pappas, Area IV Director

SUBJECT: Hazmat/SARA, Title III Conference

DATE: September 23, 1994

CHIEF CRAIG } YOU SHOULD
JOHN HAWKES } PROBABLY TRY
TO ATTEND...
GIVEN RECENT
ISSUES W/ MEMA

CC: BOS (N. LAKE PLS. NOTE)

9/26

I am pleased to inform you that the Massachusetts Emergency Management Agency/State Emergency Response Commission (SERC) will sponsor a Hazmat/SARA, Title III Conference on November 2, 1994, at the Quality Hotel, Route 5, Northampton, from 8:30 a.m. to 3:30 p.m.

You are invited to attend and take advantage of this opportunity to confront the latest issues facing the Hazmat community. Technical experts will be discussing the latest changes and updates, LEPC regionalization, and management of hazmat. Invited guests are Secretary Kathleen O'Toole, Executive Office of Public Safety, and Louis Elisa, FEMA, Region I Director.

Among the conference speakers will be Carol Burns, Hazmat Consultant, formerly of Stone & Webster's Hazmat Division; Jim Tobin, Fire Chief, Pittsfield and independent consultant; John Youker, Communities Coordinator for SARA, Title III, Rensselaer County Emergency Services, New York; Dave Slowick, Mass. Department of Environmental Protection, Emergency Response Section Chief; and Mark P. Malchick, Senior Technical Specialist, Geoenvironmental Technologies, Inc.

By attending this conference, you can maximize your exposure to Federal, State and local officials, as well as representatives of private industry, all of whom will be focusing on remaining in compliance with available resources.

A large turnout is expected for this conference, and I am urging you to reply as soon as possible. Attendance is limited to the first 300 applicants. Reservations are on a first come, first serve basis. Lunch will be provided. Please complete the enclosed registration form and return no later than Monday, October 24, 1994.

JTP/jdc

**MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY
AREA IV
HAZARDOUS MATERIALS/SARA TITLE III CONFERENCE
QUALITY HOTEL, NORTHAMPTON, MA
NOVEMBER 2, 1994**

REGISTRATION FORM

NAME: _____

TOWN: _____

ORGANIZATION: _____

POSITION/TITLE: _____

TELEPHONE #: _____

REGISTRATION FORMS DUE BY OCTOBER 24, 1994

PLEASE COMPLETE AND MAIL TO:

**MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY
JOHN PAPPAS, DIRECTOR AREA IV
P.O.BOX 1190
BELCHERTOWN, MA 01007**

SELECTMEN'S MEETING
SEPTEMBER 27, 1994

Dreyer

The Board of Selectmen held its regular meeting on Tuesday, September 27, 1994 at 7:30 P.M. Present were Norman Lake, William Mullin, Nancy Tavernier, Wayne Friedrichs, Town Manager Johnson, and Assistant Town Manager John Murray.
{Representatives from cable were present}

CITIZENS' CONCERNS

None Expressed

PUBLIC HEARINGS AND APPOINTMENTS

SOUTH ACTON BRIDGE UPDATE

Chuck Kostro reported to the Board on his recent meetings with the Acton Historic District Commission. He felt that the meeting was productive and that the Commission raised only a minor issue that he felt can be worked through to the satisfaction of all parties.

The bridge will be faced with the granite on the upper portion and along the sidewalks. Brown fencing and concrete piers will be an option for the approach. The roadway will in fact drop in front of the "old post office" and the Jones Tavern instead of increase, which may help address some of the water issues. They will not be touching the stone arch bridge over Fort Pond Brook, the lighting, and the under bridge lighting issues will need to be resolved if the Town is willing to pay for and maintain. The guard rails will remain plus additional choice on the type to be used. The issue raised by the Water District regarding the possible increasing of the water main size was discussed. This will be a problem because there are no plans for any utility bays. It was thought that the Water District could work with the State and railroad for these betterments.

Mr. Kostro again reiterated the Commonwealth's policy to not appear before local boards. They contend that under State Law this is not required of the Mass Highway Dept. They file the project with the Mass Historical Commission which in turn solicits the Local Historic comment. However, the Mass Highway will not go forward with the project if they cannot get favorable support from Local Commissions.

They anticipate the schedule to go to the 25% point based on the public meeting on October 17th. The meeting will raise and address questions that still remain. The final two weeks in October will be at 75% and will take it to the Mass Historical where they have 30 days to review and respond. They hope to advertise the project for December 24th.

Mrs. Tavernier asked if any additional questions came up during his meeting with HDC. The said they were minor in nature, action relative to a tree was questioned. They will not be removing any trees in

conjunction with the project. There seemed to be some concern with the speed in which the project is progressing. He felt that it has to continue at this speed with the pressure on so it does not get removed and continue to hang up like it has for the past ten years. The project is good, he wants it to continue forward and urged that the pressure to move forward remain on. He feels the only approval and process the State needs is from the Mass Historic District. He asked for local support before moving toward Mass Historic District submittal.

Mr. Lake asked if the Town needed to apply to the Local HDC for any permits. Don said he thought not, but would review the issue with Counsel and report back.

Mr. Kostro asked to have a time a place determined for the October 17th public session. Don will set it up and get back to him.

NANCY TAVERNIER - Moved that unless the Board hears otherwise on the Local permitting, the Mass Historic District holds final approval for design under State Projects. WILLIAM MULLIN - Second. UNANIMOUS VOTE.

COMMITTEE INTERVIEW PATRICK HALM - Associate Planning Board

Mr. Lake thanked Mr. Halm for his volunteering and reiterated the Town's reliance and importance of those volunteers who give their time and energies to the Town. Mr. Halm has volunteered in other communities where he has resided and would like the opportunity to volunteer. He has followed the Town Meetings and Planning Board meetings and feels Acton is a very professionally operated Town. He would like to give his time and expertise to Acton by serving on the Planning Board. NANCY TAVERNIER - Moved to appoint Patrick Halm as An Associate Member of the Planning Board for a one year term to expire June 30, 1994. WILLIAM MULLIN - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

WILLIAM MULLIN - Moved to accept the Consent Calendar as printed. NANCY TAVERNIER - Second. UNANIMOUS VOTE. Mrs. Tavernier to draft letters for Chairman's signature.

SELECTMEN'S BUSINESS

WEST ACTON DAY - Mr. Friedrichs spoke to the Board about the upcoming West Acton Day. He asked on behalf of the organizers that the fees for Food Service permits for the non-profits be waived by the Selectmen as well as the Entertainment License for the pony rides and other entertainment.

Mrs. Tavernier asked what staff time would be involved in the issuance of these permits. Don replied that there would be indirect costs associated with them.

Mr. Mullin asked why this group vs. any other group was having its fees waived, why are we waiving this groups and does it set a precedent? Mrs. Tavernier said that they are being waived because they are non-profit organizations.

WILLIAM MULLIN - Moved to waive the Food Permit fees as an endorsement by the Board of Selectmen with exuberant recognition and enthusiasm for Octoberfest. WAYNE FRIEDRICHS - Second. UNANIMOUS VOTE.

NANCY TAVERNIER - Moved to set the fee for the Entertainment Permit at \$50.00 and to waive said fee for Octoberfest upon compliance with all conditions required by staff. WAYNE FRIEDRICHS - Second. UNANIMOUS VOTE.

TRAIN WHISTLES - Mrs. Tavernier updated the Board on her conversation with the reporter from the Herald. She has also drafted a letter to the Governor thanking him for his courage in signing the bill into law.

TOWN MANAGER'S CONCERNS

Wagner Suit - Don updated the Board on this long-standing suit. The decision has come back giving us an overwhelming vote and upheld the order that the sign be removed. Staff is following up on the compliance.

FY96 BUDGET PROCESS - Don updated the Board on staff timelines. He hopes to have the pro-forma in the Boards hands by the required date.

Mr. Mullin spoke about the article in the paper about the FinCom's review of the school budget. He thought it was important that the citizens know that the funds available to use have been, and that Enterprise Funds are not available and unfortunately, this article gave a false mis-impression of extra funds being available and not being used. Mrs. Tavernier thought that perhaps Don could do a series of educational sessions to explain Enterprise and Revolving Funds in particular NESWC to provide an in-depth look at them and how they work and their complex structure and guidelines.

Mr. Lake is pleased to see the FinCom doing a financial analysis and welcomes inquiry into the Town and Local Regional School budgets. He feels we are better off having an well educated Finance Committee.

Mr. Arronson's letter was discussed and the Board's feeling on Don and the Chair talking to them at the proposed informal event. Norm felt the FinCom should be included. Bill felt it should happen and urged them to set a date. Nancy noted that the Regional representatives should be invited also.

The Board adjourned at 9:00 P.M.

Clerk

Date

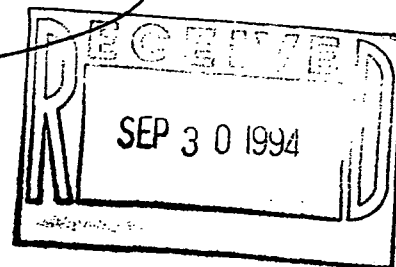
Christine M. Joyce
Recording Secty.
mjW11-(555)

CC: DOUG HALLEY - CAN YOU HANDLE THIS AS PART
OF THE WORK BY WRG?

CC: D. ABST
G. ROBINSON } YOUR COMMENTS PLS.

CC: BOS - FYI Independence/Assabet Crossing Neighbors

Mr. Don Johnson, Town Manager
Town of Acton
472 Main Street
Acton, MA 01720



September 18, 1994

Dear Mr. Johnson,

We, the undersigned residents of Assabet Crossing and Independence Road are writing to request that a Caution-Children sign and speed limit sign be posted on Independence Road.

After attending the Grace Clean-up Information Night on September 12, 1994, it has come to our attention that the volume of traffic will greatly increase. We have come to know this as a little traveled road. The children ride their bikes and walk on this road frequently. The bus Stop for both roads is at the intersection of Independence and Parker Street where the cars and trucks must enter.

There will be an approximate maximum of 25 trucks a day and an approximate maximum of 50 employees, as compared to 4 or 5 trucks a day.

We hope these signs can be raised in a timely fashion, so that we can maintain some sense of neighborhood during this time.

Thank you for cooperation,

Elizabeth H. Perry
Elizabeth H. Perry
4 Assabet Crossing

Wendy J. Ludovico
12 Independence Rd

Ann Simcoe
92 Independence Rd.

W. Smith
17 Ind. Rd.

John J. Kysenick
13 Independence Rd.
Acton, Ma.

Cheryl Cole
Al Kysenick
13 Independence Rd.

Julian Hellman

Susan Harvath
Paul + Michele GABOURY
12 ASSABET CROSSING
Acton
892-3845

Carolyn Savello
2 Assabet Xing

Meribah R. Lane
6 Assabet Crossing

James S. MacDonald
9 Independence Rd
Richard W. Capachione
21 Independence Rd.

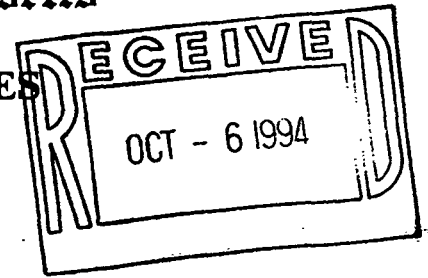
Robert King
James King
4 Assabet Crossing



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

September 29, 1994



D.P.U. 94-142

The Department of Public Utilities is proposing to revise its regulations at 220 C.M.R. § 107.00 governing the procedures to be followed by gas corporations and municipalities subject to G.L. c. 164 relating to the inactivation, abandonment and leakage survey of gas service lines. The proposed revisions would extend from five years to ten years the period in which a gas service line, for which gas service has been discontinued, may remain inactive. The proposed regulation would require abandonment or physical disconnection from the gas supply after a ten-year inactivation period. The proposed regulations would also alter the physical procedures of abandonment of service lines and coordinate the timing requirements of leakage surveys on gas service lines with the federal standards under 49 CFR § 192.

The Department also is proposing to amend its regulations at 220 C.M.R. § 69.03 governing the commencement of enforcement proceedings. The proposed amendment would allow the Department to issue a warning letter upon determination that a probable violation of 220 C.M.R. §§ 101-113, or any other code pertaining to the safety of pipelines, has occurred or is occurring.

The above notice is officially captioned:

Investigation by the Department on its own motion regarding revision of the present regulations 220 C.M.R. §107.00 governing the procedures to be followed by gas corporations and municipalities subject to G.L. c. 164 relating to the inactivation, abandonment and leakage survey of gas service lines; and the amendment of the present regulation 220 C.M.R. § 69.03 governing the commencement of enforcement proceedings involving violations of safety regulations.

A copy of the proposed regulations may be obtained upon request from Mary L. Cottrell, Secretary, Department of Public Utilities, 100 Cambridge Street, 12th Floor, Boston, Massachusetts 02202, (617) 727-3500.

The Department will hold a public hearing to receive oral comments on the proposed regulations on Tuesday, November 29, 1994, at 10:00 a.m. at the Department's offices, 100 Cambridge Street, Boston, Massachusetts.

CC: D. ABBT

BOS - RF

Written comments on the proposed regulations will be received by the Secretary to the Department. Those wishing to comment at the public hearing are encouraged to submit preliminary written comments by November 22, 1994. Final written comments are due by December 9, 1994.

By Order of the Department,



MARY L. COTTRELL, SECRETARY



S Army Corps
Engineers
New England Division

Public Notice

SEPTEMBER 23, 1994

Date:

NOVEMBER 14, 1994

Comment Period Closes:

IMPACT ANALYSIS DIVISION, MS SUSAN E. BROWN (617)647-8536
In Reply Refer To: File No.

424 Trapelo Road, Waltham, MA 02254-9149

FORT DEVENS DISPOSAL AND REUSE DRAFT ENVIRONMENTAL IMPACT STATEMENT

Interested parties are hereby notified that the U.S. Army Corps of Engineers, New England Division, has completed a Draft Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA) which addresses the environmental and socioeconomic consequences of the disposal and reuse of Fort Devens, Massachusetts. A public meeting is scheduled for November 2, 1994 at 7:00 pm at the Ayer Junior/Senior High School.

The EIS is consistent with the recommendations of the Defense Secretary's Commission on Base Realignment and Closure and the mandate of the Defense Base Closure and Realignment Act of 1990 (1990 Base Closure Act), Public Law 101-510.

The major federal actions analyzed in the EIS are the retention of a Reserve Enclave, consisting of the entire 4,880 acre South Post and approximately 280 acres on Main Post, and the disposal of approximately 4,140 acres of excess property made available by the closure of Fort Devens. Reuse of the excess property by non-Army interests is analyzed as a secondary and cumulative impact of disposal. A range of three reuse alternatives, low, medium and high intensity mixed uses, were developed jointly by the Army, the Massachusetts Government Land Bank, and the Joint Boards of Selectmen. The medium-intensity mixed use alternative represents the State/Local Conceptual Reuse Plan. The low-and high-intensity mixed uses provide information about a range of reuse impacts useful for making decisions regarding disposal and potential reuses of Fort Devens.

Additional Information: The public meeting date is before the end of the 45-day public review period which ends on November 14, 1994. Comments may be provided to:

Division Engineer
U.S. Army Corps of Engineers
New England Division
ATTN: CENED-PL-I (Ms. Susan E. Brown)
424 Trapelo Road
Waltham, Massachusetts
02254-9149

Any comments raised at the public meeting will be addressed in the Final Environmental Impact Statement presently scheduled for release in March 1995.

Additional copies of the document and supplemental information are available at the Corps of Engineers, New England Division, local libraries and town halls. Questions or requests for additional information may be directed to Ms. Susan Brown at (617) 647-8536.



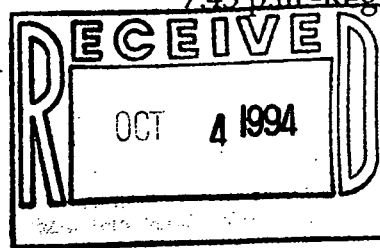
Earle C. Richardson
Colonel, Corps of Engineers
Division Engineer

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

Library
Junior High School

October 6, 1994
7:00 p.m.-Exec. Session
7:45 p.m.-Reg. Session

AGENDA



- I. CALL TO ORDER
- II. EXECUTIVE SESSION
- III. CHAIRMAN'S INTRODUCTION
 - Presentation of the Edyth May Sliffe Award for Distinguished High School Mathematics teaching to Bill Noeth
 - Presentation of Certificates of Recognition
- IV. APPROVAL OF MINUTES OF SEPTEMBER 1, 1994 and STATEMENT OF WARRANT
- V. PUBLIC PARTICIPATION
- VI. OLD BUSINESS
 1. Acceptance of School District Goals, 1994-95 (Vote)
 2. Religious Observance Policy - Second Reading (Vote)
 3. Report on Acton 2001 Conference
 4. Professional Development Day Date Change
- VII. NEW BUSINESS
 1. Approval of High School Costa Rica Trip, February 1995 (Vote)
 2. Tuition Rates for SPED Students (Vote)
 3. Authorization for Application for School Assistance in Federally Affected Areas (Vote)
 4. Report of Tech Expo 94
 5. Paper on Site-Based Management
 6. Home Education
- VIII. FOR YOUR INFORMATION
 1. Time and Learning Report/School Day/School Year Requirements (from DoE)
 2. Recertification Guide for Mass. Educators (from DoE)
 3. Update on the Curriculum Frameworks Development Process (from DoE)
 4. Reinstatement of Administrative Assistant Position
 5. Letter from Don Gilberti re: School Use of Cable Access Channel
 6. Guidelines for Potential School/Business Partnership
 7. Grants, 1994-95
 8. Etceteras - JH Library Newsletter
 9. ABRHS Monday Memos
 10. Fall Sports Schedule
 11. 1994 Summer School Report
 12. Appointment of Mary Beth Fincke to State Advisory Council on Libraries
 13. Response to Question at Last School Committee Meeting
 14. Monthly Enrollment Information

15. Flyer for Health Ed. SAC
16. School Object Report
17. Personnel Update
18. Gift to Team 650, Junior High
19. School Lunch Program Report, FY'94
20. Class of '94 Profile
21. Science Mentoring Program, 1994-95
22. PTSO Newsletter - RJGrey Junior High
23. Library Services Calculation
24. Community Education Information
25. Actual ERL Costs
26. High School Information
27. JH News

- Ron Fitzgerald sent us six copies of the Service Program from Minuteman Tech.
If you wish to have one, please let Bunny know.

- *We have received a copy of the Acton Selectmen's minutes of August 16 and 30, 1994.
If you wish your own copies, please let Bunny know. Otherwise a three-ring binder
will circulate at the meeting for your review.*

IX. WARRANT DISCUSSION

X. CONCERNS OF THE COMMITTEE

XI. NEXT MEETING- November 3, 1994 - JH Library

XII. ADJOURNMENT

MAPC NEWS

A Monthly Publication of the Metropolitan Area Planning Council

October 1994

Legislative Issues

MAPC Endorses Ballot Question #8

The Executive Committee of MAPC voted to endorse ballot Question #8 agreeing that the question's contents were compatible with the goals of MetroPlan 2000. Question 8 requires that funds obtained through the gas tax be used for their intended purpose transportation. In past years, the state has transferred gas tax revenues into the General Fund in order to balance the state's budget. Question 8 forbids this transfer, and requires the implementation of a seven-year highway plan which would be updated every year by EOTC.

Transportation Bond Bill: Immediate Action Needed

In August, the Governor signed into law a "mini" Transportation Bond Bill amounting to \$2.4 billion, approximately 1/3 of the original \$6.2 billion allocation. Earmarked in the "mini bond" was \$2.0 billion for time-sensitive highway and bridge projects, and \$400 million for the MBTA and state police. Funding for the convention center has delayed the passage of the remaining allocations, posing a REAL problem for the state's transportation projects. This year's construction season is already lost, and further delay may affect next year's construction season. The bill's passage means jobs, improved roads and bridges, and savings to communities which are currently expending their own funds to keep roads in serviceable condition. Conferees are: Sens. Birmingham, Havern, Amorello; Reps. Finneran, Karol, Evans.

Title 5 Regulations: Solutions at Last!

The MAPC community has been very concerned about the cost of replacing and repairing on-site sewage and disposal facilities under the new, stricter standards under the State Environmental Code, Title 5. Among the solutions being offered:

The Betterment Bill: The Betterment Bill is now law. Communities can begin the process of providing betterment loans to homeowners for the upgrade of failing septic systems, and the removal of underground storage tanks and lead paint. MAPC is co-sponsoring a workshop on the implementation of the Betterment Bill, and how communities can take advantage of its offerings. Tentative Dates are: November 3, Danvers; November 9, Natick; and November 17, Barnstable.

Success! The state recently allocated \$10 million dollars to the Department of Environmental Protection (DEP) through the Capital Outlay Bill signed by the Governor in August. The money will be used to create a revolving loan fund to allow communities to borrow from the state to pay for costs accrued through Title 5 regulations. MAPC was instrumental in creating the concept, and assisted the Committee on Natural Resources in preparing the disbursement for passage. MAPC is working with the DEP to formulate a mechanism to effectively allocate these funds. For Questions Contact: Lori Prew.

TIP Workshop

MAPC will be hosting a workshop on the Transportation Improvement Program for local officials on October 12th. The meeting will be held at Newton City Hall starting at 8:30 a.m.. It will be an informative meeting for all local officials concerned about how to get their projects through the TIP process. If you haven't signed up already, contact MAPC as soon as possible.

Contact: Chris Skelly

Harbor Visions

On September 24 and 25, several hundred planners, designers, and agency and community representatives gathered at U. Mass.-Boston for a weekend-long "charrette" to envision the future of Boston Harbor.

Eleven teams drew up alternative visions for the harbor, many of which included extensive water transportation facilities linking both the Harbor Islands and the urban waterfronts. Teams came up with plans for increased public access to the harbor and better links to the neighborhoods; recreation and education facilities on some of the islands, centers for maritime research and businesses along the waterfront, and a region-wide initiative to address non-point source pollution throughout the watersheds which flow to the harbor.

The public is invited to a presentation on the results of the Harbor Visions charrette on Tuesday, October 18, 1994 from 5:30 pm to 8:30 pm at the John F. Kennedy Library. The forum is free and open to the public. Contact: Martin Pillsbury

Making CDC a Priority in the TIP

Transportation projects within concentrated development centers will be a priority in the TIP. MAPC is maintaining a list of which projects are within or serve CDCs and is tracking these projects to ensure they receive top priority.

Contact: Kent Stasiowski

Lincoln Joins MAGIC

The Lincoln Board of Selectmen has voted to join the MAGIC subregion, appointing Selectmen Peter Sugar and William "Buzz" Constable as its representatives. The Planning Board is also expected to appoint a member to serve.

Contact: Judith Alland

Charles Eliot Award

MAPC is pleased to announce that Seth Riseman of Wayland is the recipient of the Charles Eliot Award and will receive a \$500 scholarship. Of the 40 applications received, Seth clearly met the criteria established for this scholarship. Mr. Riseman is attending the University of Virginia, School of Architecture and Urban Planning.

MAPC NEWS

MAPC News is published monthly by the Metropolitan Area Planning Council for the citizens of greater Boston. Subscription is free. News submissions are subject to editing and should be sent to the Public Information Officer, MAPC, 60 Temple Place, Boston, MA 02111; (617) 451-2770; fax (617) 482-7185.

President: Edmund P. Tarallo
Vice President: William G. Constable
Secretary: Donna Jacobs
Treasurer: Richard A. Easler
Director: David C. Soule
Editor: Ed Bates
Designer: Susan Pawlowski

State Transportation Plan

EOTC has initiated work on the long-range Statewide Transportation Plan. The plan is a comprehensive transportation vision for the state through the year 2020. It will identify policies and initiatives to help the Commonwealth plan for the future of its transportation network and to guide infrastructure investment decisions into the 21st century.

A presentation of the draft will be made on Wednesday, October 12th at 3:30 p.m. in Conference Room 2 in the State Transportation Building and Wednesday, November 2 at 7:00 p.m. at the State Transportation Building.

Personnel Handbook

The MAPC Executive Committee has approved a revised *Personnel Policies & Procedures* handbook. The principal focus of the revision is on the current legal environment surrounding human resource management, specifically, reserving management rights, minimizing exposure to litigation, and addressing recent legislation such as the Family Medical Leave Act (FMLA) and the Americans with Disabilities Act (ADA). Another innovative feature is that the handbook applies to policy officials as well as employees. Communities and other organizations may be interested in using it as a model.

Contact: Ingrid Johansson

Question #9 Threatens Home Rule

MAPC is alerting communities that Question #9 on November's ballot sets a dangerous precedent that threatens home rule. MAPC is taking no position on the merits of the issue — the abolition of rent control — but opposes the process by which it appears on the ballot.

In Question #9, a local group, unable to change local laws is taking the issue to the state's voters. This unacceptable method has troubling implications for other local laws where a local political minority seeks redress by appealing to the statewide electorate. If Question #9 passes, other local groups may try to use statewide opinion to overturn local zoning, smoking prohibitions, or other locally enacted laws. Thus Question #9 threatens local decision-making and local autonomy.

MAPC is urging localities to inform their citizens of these implications.

Contact: Judith Alland

MAPC to Submit TDM Proposals

MAPC will be submitting projects worth approximately \$1.5 million for Transportation Demand Management funding through the Transportation Improvement Program in the near future. These projects were solicited by the Council during June and July of 1994. The proposals include:

- ◆ MetroWest Electric Shuttle Bus
- ◆ Cape Ann Trolleys to Ipswich and Gloucester.
- ◆ Boston Parking Freeze Inventory and Implementation Plan
- ◆ Acton Bicycle Lockers at MBTA stations
- ◆ Cambridge Transportation Alternatives Proposal
- ◆ Salem Commuter Rail Bicycle Racks
- ◆ Lexington Trolley "The Revolutionary Ride"
- ◆ Acquisition of Bicycles for Local Police Departments

Contact: Elizabeth Jaworski

MA & RI APA Meeting

The Massachusetts and Rhode Island APA meeting will be held October 16, 17 at the Viking Hotel Newport, R.I. Topics will include:

- ◆ Impacts of casino gambling
- ◆ Tax increment financing
- ◆ Urban water front redevelopment
- ◆ Watershed planning
- ◆ Military base reuse
- ◆ Siting regional LULU, etc., etc.

Contact: Meredith Pickering

Commuter Check

On October 20, 1994, a morning workshop is being held on the Commuter Check program. This workshop is being sponsored by the Consortium for Regional Sustainability and the Metropolitan Area Planning Council and co-sponsored by the American Lung Association and 1,000 Friends of Massachusetts.

Contact: Elizabeth Jaworski

Bicycle Transportation Information Available

MAPC has put together a packet of information for municipalities interested in becoming involved in planning for bicycle transportation. The packet includes information about the policies and recommendations on bicycle transportation adopted as part of MetroPlan 2000 as well as a list of reference material. Also included is a guide to adopting bicycle parking ordinances with samples from several MAPC communities.

Contact: Joan Blaustein

MAPC To Serve on U.S. Postal Service Board

Dan Fortier, Chief Transportation Planner, will serve on an advisory board being formed by the U.S. Postal Service to evaluate the use of alternative fuels by the U.S. Postal Service in New England fleets. The evaluation will assist the Postal Service in determining the proper mix of fuels for Postal Service vehicles.

Contact: Dan Fortier

DEP Offers Recycling Grants

The state Dept. of Environmental Protection has announced the availability of grants to cities and towns for various recycling activities, including: curbside set-out containers, curbside recycling trucks, roll-off containers, home composting bins, and public education materials.

Grants are also available to regional recycling groups (5 or more communities) for recycling transfer trailers, recycling transfer stations, and technical assistance. There are also grants for household hazardous product recycling, including paint storage equipment and collection contracts, and used motor oil storage tanks.

Grant applications must be submitted to DEP by November 15, 1994. For more information and application packages, contact Susan Cascino at DEP, (617) 292-5984.

License Plate

• MASSACHUSETTS •

U.S. 1

YES:BUT

What Is Planning?

Not a science,
Yet not an art:
It takes many late nights
And plenty of heart.
It takes grand ideas
And grander schemes
And a will to fight to
Bring life to these dreams.

It takes skill with facts
And skill with names:
No desire for fortune,
Or easy fame...
It takes words and numbers
And graphs and charts,
But it's not a science,
It's not an art.

It's no simple feat
To map the land and
Move buildings and streets
Without lifting a hand.
There's more to planning
Than words can impart.
It's more than a science
And more than an art.

copyright 1994,

Meredith E. Pickering

Demographic and Economic Analyst
Metropolitan Area Planning Council

Clean Cities Initiative

The TIP includes \$3.5 million annually in funding over the next three years for the implementation of alternative fuel vehicles and infrastructure within the MAPC region. The program, as outlined by the MAPC in cooperation with the Clean Cities Committee, will offer communities the opportunity to acquire alternative fuel vehicles as a part of normal fleet replacement.

Contact: Dan Fortier

Environmental Reviews

MAPC has received and distributed the following environmental reviews:

- ◆ Gloucester/Roulston/License Existing Seawall Railway
- ◆ Chelsea/SMP Trust/License Existing Armoring of Coastal Bank
- ◆ Framingham/MBTA/Terminal Development
- ◆ Norwood/Proposed Shopping Center
- ◆ Westwood/Romanow/Renovation of Building
- ◆ Boston/Logan/Parking Improvements/Former Cargo Bldg 17
- ◆ Winthrop/Boston/Quincy/Plan for Future of Boston Harbor Beaches
- ◆ Framingham/9/90 Crossing
- ◆ Wrentham/Solid Waste Management Facility Expansion
- ◆ Hudson/Stow/Expansion of Hudson Solid Waste Facilities
- ◆ Boston/New Suffolk Court Facility
- ◆ Braintree/The Plaza at Braintree
- ◆ Boston/Logan Parking Consolidation Project
- ◆ Boston/Ambulatory Care Specialty Center
- ◆ Norwell/Water System Improvement
- ◆ Gloucester/Crawford/License Existing Seawall
- ◆ Sharon/Walpole/Foxboro/Wrentham/Rte. 1 Safety Improvements
- ◆ Wellesley/Babson College/Graduate Bldg/Campus Improvements
- ◆ Dedham/TGI Friday's Restaurant
- ◆ Brookline/10 Brookline Place West Addition

Local Net Update

MAPC has made, and will be making, a series of changes to Local Net. A number of new files, which include the MAPC calendar of meetings, the NEWS, several legislation files and numerous files from MAPC's Metropolitan Data Center have been added. We plan to upload the FY 1995-97 Transportation Improvement Program (TIP) in the next few weeks, which will enable the reader to browse or download the document. It will also provide for municipal TIP contacts a quick response system to report updates or corrections on local projects. Also, the MAPC folders or conferences have been redefined to better reflect the categories of existing files and plans for future expansion of the MAPC "side" of the network.

Contact: Paul DeCoste

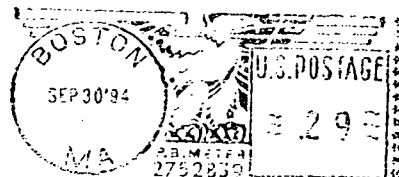
October Calendar

4	9:00 a.m.	MetroPlan Committee
5	12:00 p.m.	Legislative Committee
6	2:00 p.m.	Subregional Coordinators
7	10:00 a.m.	MPO Liaison Committee
10		HOLIDAY
11	8:30 a.m.	Subregional Chairs Meeting
	12:00 p.m.	Finance Committee Meeting
12	8:30 a.m.	Local DPW Meeting (TIP) - Newton
	12:00 p.m.	Officers Meeting
	2:00 p.m.	Inner Core Meeting
	3:30 p.m.	Full JRTC Meeting @ Transp. Bldg.
	7:30 p.m.	MetroWest Meeting
13	8:30 a.m.	NSPC Meeting
	8:30 a.m.	NSTF Meeting
	7:30 p.m.	MAGIC Meeting
19	11:30 a.m.	Executive Committee
	4:00 p.m.	TRIC Meeting
20	3:00 p.m.	SWAP Meeting
	7:30 p.m.	South Shore Coalition Mtg.
26	3:30 p.m.	Fall Council Meeting, Regis College, Weston
	3:30 p.m.	JRTC Steering Committee @ Transp. Bldg.
27	12:00 p.m.	Economic Development Policy Committee

Please call ahead to confirm.



**METROPOLITAN AREA
PLANNING COUNCIL**
60 Temple Place, 6th Floor
Boston, Mass. 02111



451
2770

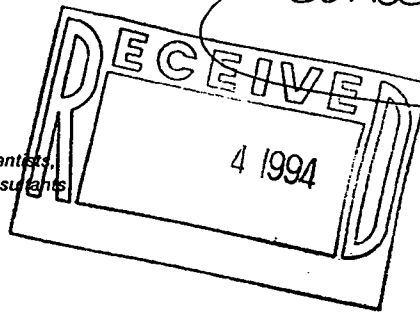
DON P. JOHNSON
TOWN MANAGER
TOWN HALL
472 MAIN STREET
ACTON, MA 01720

cc: BOS

Dear Members of the
Tenko Fund

Thank you for
making it possible
for my daughter to
take swimming
lessons. She did very
well, she's in level 3
now. She's quite a
little fish.

I appreciate your
generosity. Thank you.

CDMenvironmental engineers, scientists,
planners, & management consultantsCC: BOS - COVER LTR. ONLY,
FULL DOC. IN RF/RETAIN

CAMP DRESSER & McKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142-1403
617 252-8000

September 30, 1994

Ms. Lynne Jennings
Waste Management Division
U.S. Environmental Protection Agency
Region I
90 Canal Street
Boston, Massachusetts 02114

Mr. Edmond Benoit
Bureau of Waste Site Cleanup
Massachusetts Department of
Environmental Protection
75 Grove Street
Worcester, Massachusetts 01605

Subject: W.R. Grace & Co. - Acton, Massachusetts
Post-Closure Groundwater Sampling - Draft Work Plan

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace & Co., Camp Dresser & McKee Inc. is pleased to present the Draft Work Plan for Post-Closure Groundwater Sampling of the Other Source Areas (OSAs). We are available to discuss this information at your earliest convenience.

Very truly yours,

CAMP DRESSER & McKEE INC.

Bruce R. Conklin, P.E.
Vice President

BRC:paa

Enc.

Document Code

cc: D. Halley, Acton (3)
R. Sullivan, GZA (1)
L. Ingram, Grace (1)
M. Johns, Grace (1)
M. Obradovic, Canonie (1)
J. Swallow, Pine & Swallow (1)
M. Moore, Concord Board of Health (1)
W. Cheeseman, FHE (1)
D. Johnson, Acton (1)

C. Tuttle, DEP Boston (2)
J. DeStefano, GZA (1)
C. Heslen (1)
H. Fox, Sierra Club (1)
C. Myette, Wehran-MDEP (2)
R. Eisengrein, ACES Tag Mgr. (1)
W. Pencola, ENSEARCH Env. Corp. (2)
M. Stoler, Grace (1)
J. Okun, O'Reilly & Talbot, Inc. (1)

Interdepartmental Communication

Date: 10/4/94

To: Don Johnson, Town Manager

From: Wanda Null, Library Director

Subject: Library support of local schools

At the their meeting on 10/3/94, the Board of Trustees voted unanimously to approve the report submitted to the Town Accountant identifying expenditures made by the Memorial Library during FY94 in support of the local schools.

CC: BOS - FYI

cc: BOS

confidence. She has become a very good swimmer this summer thanks to the opportunity you provided. Thanks again!

Sincerely
A grateful Mom
Manarix P.

Dear Jenks Fund:

I just wanted to write to say thank you for my daughter's swim lessons this past summer. It really helped her a great deal to have a structured learning activity during the summer as she has learning and behavior problems and needs opportunities to gain

cc: BOS

Sept. 5, 1994

Dear Sir or Madam,

I wish to thank you for helping
my son to attend his summer
classes. He enjoyed the
experience very much.

Sincerely,

Gilcira Paes

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

TO: Chief Robinson DATE: October 12, 1994
FROM: Lt. McNiff
SUBJ: Malicious Damage/Security at Commuter Lot

As per your request I have examined the Malicious Damage complaints within the Town and have found the following:

Between August 1, 1994 and October 21, 1994 there have been a total of 68 complaints of malicious damage received by this department. These complaints vary from dirt being thrown into a clean wash at one of the apartment complexes to a smashed windshield.

The breakdown of reported incidences per precinct is:

Precinct 1 - 17
Precinct 2 - 27
Precinct 3 - 24

the 27 complaints in Precinct 2 there were two incidents at the commuter lot representing 8 victims. One instance involved damage to a motor vehicle on August 1 and the other seven during the evening of September 30/October 1 where 6 vehicles and 1 bicycle were damaged.

CC: BOS -

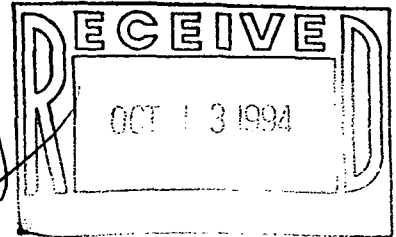
10/14/94

THIS IS THE CHIEF'S REPORT RE VANDALISM @ COMMUTER LOT. YOU WILL NOTE THAT THERE HAVE ONLY BEEN 2 INCIDENTS IN APPROX 2 2/3 MONTHS, ALTHOUGH THE SECOND INVOLVED 7 VEHICLES. DICK HOWE IS PREPARING A REPORT REGARDING MOVING AND REPLACING LIGHTING IN CONNECTION WITH THE CONSTRUCTION PROJECT.

cc: BOS



FILE
COPY



MASSACHUSETTS

BOARD OF APPEALS

October 11, 1994

Mr. Norman D. Lake, Chairman
Board of Selectman
Town of Acton
472 Main Street
Acton, MA 01720

RE: Your letter of August 25, 1994 to Stephen Crockett
and his Resignation from Board of Appeals

Dear Selectmen:

I was saddened to receive your letter of August 25 to Steven Crockett, a member of this Board. This Board and the majority of Town Boards and Committees depend on the volunteer participation of our citizens. Although I was not directly familiar with the specific details of the Earth Removal Permit in question, I found the tone of your letter distressing in that you suggested Mr. Crockett had shown blatant disregard for the interests of the Town. Given the positions he has taken on matters before this Board, I can only state that he was very often the most literal defender of the Town's Bylaws and carefully deliberated any decision to grant a variance to the regulations, or any form of Special Permit. He has served the Town in several capacities over the past few years and that service merits acknowledgement and appreciation.

What has occurred can not be undone. I respectfully request that if any member of the Board of Selectmen or the Board as a whole believes that the behavior or responsiveness of a member of the Board of Appeals does not meet the highest standards of volunteer government, that you contact that individual for a personal discussion to clarify the situation, prior to formalizing your position in a letter that is part of the Town's public record.

Respectfully yours,

Duncan W. Wood
Chairman
Acton Board of Appeals

C: Members , Board of Appeals
Stephen Crockett
Valerie Grier, BOA Secretary



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

William F. Weld
Governor
Trudy Cox
Secretary, EOEA
Thomas B. Powers
Acting Commissioner

JOHN -
PLS. HANDLE.
CC: BOS

October 7, 1994

Dear Municipal Official:

The Department of Environmental Protection (DEP) is pleased to announce its **1995 Municipal Recycling Rules and DARP Program**. In developing this program DEP conducted a series of public meetings to solicit the insights and concerns of municipal representatives, recycling businesses, waste disposal companies and environmental advocacy groups.

One of the tasks of this deliberation process was to define which "single polymer plastics" and "recyclable paper" would be targeted in 1995. DEP believes that the outcome will help stimulate the expansion of recycling without unduly burdening municipal programs. To obtain listing as a Department Approved Recycling Program (DARP) after December 31, 1994 a recycling program must provide collection of the following materials:

	PLASTIC	PAPER
CURBSIDE COLLECTION MUNICIPALITIES	At least one type of narrow neck plastic container	Newspaper and at least one other type of paper
DROP-OFF COLLECTION MUNICIPALITIES	At least two types of narrow-neck plastic containers.	Newspaper and at least two other types of paper

DARP status means that solid waste disposal facilities are not required to inspect refuse loads from the community for the presence of paper or bottles and cans. Municipalities which are already DARP listed, or which receive approval by December 31, 1994, will maintain their exempt status through December 31, 1995, as promised in last year's application.

After the current exemption expires, a new comprehensive DARP application (attached) will be required. This application covers paper as well as glass, plastic and metals. The DARP application requests certification of municipal recycling policies and services related to three major criteria: Commitment to Recycling, Public Education Efforts, and Access to Services. Most municipalities in the Commonwealth have already made the effort to obtain exemption

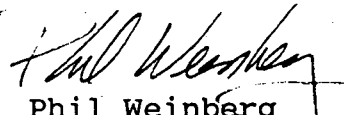
from inspections for bottles and cans, and most of these have paper and plastic programs already in place to ensure they keep this exemption when their DARPs must be renewed in 1996.

The **Facility Recycling Rules** are a separate but related component of the **Recycling Rules** program consisting of DEP guidance to facility operators on inspection frequency, procedures, de minimus quantities and record-keeping. DEP's facility guidance document now incorporates inspection requirements for narrow-neck plastic containers and recyclable paper. This document will be distributed to operators next week.

Should a municipality need to expand its recycling program as a result of DEP's recycling rules, its leaders should take advantage of the Recycling and Composting Grant Program. The grant program will offer up to \$3 million worth of recycling, composting, and hazardous waste equipment and services. Since 1990, the Recycling Grant program has given out more than \$7 million in equipment and educational materials, covering items which can be purchased by the DEP in bulk (e.g. standard equipment and printing costs). Applications for the FY95 grant program were mailed to Chief Elected Officials on September 14.

Finally, enclosed is the current list of DEP-Approved Recycling (DARP) and Composting (DACP) programs.

Sincerely,


Phil Weinberg
Acting Director, DSWM

enc.

1995-97 Application for Listing as a DEP-Approved **Recycling** Program (DARP)

(For Paper and Glass/Metal/Plastic Containers)

MUNICIPALITY: _____

Previous DARP exemptions, offered for a period expiring on 12-31-95, will be honored. However, this DARP application form is the only one to be accepted by DEP after 12-31-94.

Listing as a **DARP** Community exempts a municipality from inspections for recyclables (including paper, glass, metal, and plastic containers) at Massachusetts disposal facilities for up to two years. To obtain DARP status, you must check at least one item under each category below, accurately describing the recycling program as of the date this form is completed. A separate application is available for a compostable material (leaf and yard waste) exemption.

A. Commitment to Recycling: Check at least one of the following:

- ☐ The municipality maintains a drop-off program for the recycling of at a minimum:
 - newspaper plus 2 other types of paper; and
 - glass, metal, and two types of plastic containers; and
- ☐ The municipality offers a curbside collection service for the recycling of at a minimum:
 - newspaper plus 1 other type of paper
 - glass, metal, and one type of plastic containers

B. Public Education Efforts: Check at least one of the following:

- ☐ The municipality conducts an annual mailing to residents promoting the program. In addition, the municipality either promotes participation through media 4 times per year, or has enacted a mandatory recycling by-law, ordinance, or executive order.
- ☐ The municipality expends at least \$0.25 per ton of refuse disposed, or \$20,000 annually, to promote recycling and composting. Expenses may include the salary of a recycling coordinator, media announcements, DEP granted public mailings, etc.

C. Access to Facility: Check at least one of the following:

- ☐ The municipal drop-off recycling area is open 20 hours per week, or the same hours as the refuse collection area, or the same number of hours as local government offices.
- ☐ The municipal curbside collection service for paper and glass, metal, and plastic containers is offered municipality-wide on at least a bi-weekly basis.

continued -

If you have been able to check off at least one true statement under (A) commitment, (B) education, and (C) access, your municipality will be listed as a DEP-Approved Recycling Program. If approved, the DEP will send notification of DARP status to the Chief Executive Officer, and will include the municipality on the list of DEP-Approved Recycling Programs, to be distributed to refuse disposal operators in the Commonwealth. The DEP may ask you to submit documentation supporting this application at a later date.

If you do not choose to apply for DARP status, your municipality's deliveries of solid waste will be subject to inspection and load rejection at all permitted refuse disposal facilities in the Commonwealth. Inspections are performed by solid waste facility operators on a random basis, and involve de minimis quantities of all types of paper, all glass and metal containers, and all narrow-neck plastic containers.

Name of municipality's Chief Executive Officer: _____

CEO Signature: _____ Date: _____

If your application is approved, you will be notified of your exempt status within two weeks. Please respond by **December 1, 1994** for inclusion in the first facility notification. **This exemption expires on December 31, 1997.**

Please mark your envelope "DARP APPLICATION" and send to:

**Recycling Rules Application c/o
Ms. Erin Walter
Division of Solid Waste
Department of Environmental Protection
One Winter Street - 4th Floor
Boston, MA 02108**

DEP APPROVED RECYCLING (DARP) AND COMPOSTING PROGRAMS (DACP)
(An "x" designates that, for these materials, the community is exempt from inspection)

MUNICIPALITY	Leaves & Yardwaste	Glass & Metal Containers
ABINGTON	x	x
ACTON	x	x
ACUSHNET		
ADAMS	x	x
AGAWAM	x	x
ALFORD	x	x
AMESBURY		
AMHERST	x	x
ANDOVER	x	x
ARLINGTON	x	x
ASHBURNHAM		x
ASHBY		
ASHFIELD	x	x
ASHLAND		x
ATHOL		x
ATTLEBORO		x
AUBURN		x
AVON		x
AYER		x
BARNSTABLE	x	x
BARRE		x
BECKET		x
BEDFORD	x	x
BELCHERTOWN		x
BELLINGHAM	x	x
BELMONT	x	x
BERKLEY	x	x
BERLIN		x
BERNARDSTON		x
BEVERLY		x
BILLERICA		x
BLACKSTONE	x	x
BLANDFORD		x
BOLTON		x
BOSTON		x
BOURNE	x	x
BOXBOROUGH		
BOXFORD	x	x
BOYLSTON		x
BRAINTREE	x	x
BREWSTER	x	x
BRIDGEWATER		x
BRIMFIELD		x
BROCKTON		
BROOKFIELD		
BROOKLINE		x
BUCKLAND		x
BURLINGTON		x
CAMBRIDGE	x	x
CANTON		x
CARLISLE	x	x

MUNICIPALITY	Leaves & Yardwaste	Glass & Metal Containers
CARVER		
CHARLEMONT	x	x
CHARLTON		
CHATHAM		x
CHELMSFORD	x	x
CHELSEA		x
CHESHIRE		x
CHESTER		x
CHESTERFIELD	x	
CHICOPEE		x
CHILMARK	x	x
CLARKSBURG		x
CLINTON		x
COHASSET	x	x
COLRAIN		x
CONCORD	x	x
CONWAY		x
CUMMINGTON		x
DALTON		x
DANVERS		x
DARTMOUTH	x	x
DEDHAM		x
DEERFIELD		x
DENNIS		x
DIGHTON		x
DOUGLAS	x	x
DOVER	x	x
DRACUT		
DUDLEY		
DUNSTABLE		x
DUXBURY		x
EAST BRIDGEWATER		x
EAST BROOKFIELD	x	x
EAST LONGMEADOW		x
EASTHAM		x
EASTHAMPTON		
EASTON	x	x
EDGARTOWN	x	x
EGREMONT	x	x
ERVING	x	x
ESSEX	x	x
EVERETT		x
FAIRHAVEN	x	x
FALL RIVER		
FALMOUTH	x	x
FITCHBURG	x	x
FLORIDA		x
FOXBOROUGH		x
FRAMINGHAM	x	x
FRANKLIN		x
FREETOWN		

DEP APPROVED RECYCLING (DARP) AND COMPOSTING PROGRAMS (DACP)
(An "x" designates that, for these materials, the community is exempt from inspection)

MUNICIPALITY	Leaves & Yardwaste	Glass & Metal Containers
GARDNER		
GAY HEAD	x	x
GEORGETOWN		
GILL	x	
GLOUCESTER		x
GOSHEN		x
GOSNOLD		
GRAFTON	x	x
GRANBY	x	x
GRANVILLE	x	x
GREAT BARRINGTON		x
GREENFIELD	x	x
GROTON		x
GROVELAND		x
HADLEY		
HALIFAX		x
HAMILTON		x
HAMPDEN		x
HANCOCK		x
HANOVER		x
HANSON		
HARDWICK		x
HARVARD	x	x
HARWICH	x	x
HATFIELD		x
HAVERHILL	x	x
HAWLEY	x	x
HEATH		x
HINGHAM	x	x
HINSDALE		x
HOLBROOK		
HOLDEN	x	
HOLLAND	x	
HOLLISTON	x	x
HOLYOKE		x
HOPEDALE		
HOPKINTON	x	x
HUBBARDSTON		
HUDSON		
HULL		
HUNTINGTON	x	x
IPSWICH		x
KINGSTON	x	x
LAKEVILLE		x
LANCASTER		
LANESBOROUGH		x
LAWRENCE		x
LEE		x
LEICESTER		x
LENOX		x
LEOMINSTER		

MUNICIPALITY	Leaves & Yardwaste	Glass & Metal Containers
LEVERETT	x	x
LEXINGTON	x	x
LEYDEN		x
LINCOLN	x	x
LITTLETON		x
LONGMEADOW		x
LOWELL	x	x
LUDLOW	x	x
LUNENBURG		
LYNN		x
LYNNFIELD	x	x
MALDEN		x
MANCHESTER	x	x
MANSFIELD	x	x
MARBLEHEAD		x
MARION	x	x
MARLBOROUGH		x
MARSHFIELD		
MASHPEE	x	x
MATTAPOISETT	x	x
MAYNARD	x	x
MEDFIELD		x
MEDFORD		x
MEDWAY	x	x
MELROSE		x
MENDON	x	x
MERRIMAC		
METHUEN		
MIDDLEBOROUGH		x
MIDDLEFIELD	x	x
MIDDLETON	x	x
MILFORD		x
MILLBURY	x	x
MILLIS	x	x
MILLVILLE		x
MILTON	x	x
MONROE	x	x
MONSON		x
MONTAGUE	x	x
MONTEREY	x	x
MONTGOMERY		x
MOUNT WASHINGTON	x	x
NAHANT		x
NANTUCKET	x	x
NATICK	x	x
NEEDHAM	x	x
NEW ASHFORD		x
NEW BEDFORD	x	x
NEW BRAINTREE		
NEW MARLBOROUGH	x	x
NEW SALEM		x

DEP APPROVED RECYCLING (DARP) AND COMPOSTING PROGRAMS (DACP)
(An "x" designates that, for these materials, the community is exempt from inspection)

MUNICIPALITY	Leaves & Yardwaste	Glass & Metal Containers
NEWBURY	x	x
NEWBURYPORT	x	x
NEWTON	x	x
NORFOLK		x
NORTH ADAMS		x
NORTH ANDOVER	x	x
NORTH ATTLEBOROUGH	x	x
NORTH BROOKFIELD	x	x
NORTH READING		x
NORTHAMPTON	x	x
NORTHBOROUGH		x
NORTHBRIDGE	x	
NORTHFIELD	x	x
NORTON		
NORWELL		x
NORWOOD	x	x
OAK BLUFF		x
OAKHAM		x
ORANGE	x	
ORLEANS	x	x
OTIS	x	x
OTIS ANGB		x
OXFORD		x
PALMER	x	x
DAXTON	x	x
LEABODY	x	x
PELHAM		x
PEMBROKE		x
PEPPERELL		x
PERU		x
PETERSHAM		x
PHILLIPSTON		
PITTSFIELD	x	x
PLAINFIELD		x
PLAINVILLE	x	x
PLYMOUTH		x
PLYMPTON		
PRINCETON		x
PROVINCETOWN		x
QUINCY		x
RANDOLPH	x	x
RAYNHAM	x	x
READING		x
REHOBOTH		x
REVERE	x	x
RICHMOND		
ROCHESTER		
ROCKLAND	x	x
ROCKPORT	x	x
ROWE		x
ROWLEY		

MUNICIPALITY	Leaves & Yardwaste	Glass & Metal Containers
ROYALSTON		x
RUSSELL	x	x
RUTLAND		x
SALEM	x	x
SALEM, NH	x	x
SALISBURY		
SANDSFIELD	x	x
SANDWICH		x
SAUGUS	x	x
SAVOY		x
SCITUATE	x	x
SEEKONK	x	x
SHARON	x	x
SHEFFIELD	x	x
SHELBURNE	x	x
SHERBORN		x
SHIRLEY		
SHREWSBURY	x	x
SHUTESBURY		
SOMERSET		x
SOMERVILLE		x
SOUTH HADLEY		x
SOUTHAMPTON		
SOUTHBOROUGH		x
SOUTHBRIDGE	x	x
SOUTHWICK	x	x
SPENCER		x
SPRINGFIELD	x	x
STERLING		x
STOCKBRIDGE		x
STONEHAM	x	x
STOUGHTON	x	x
STOW		
STURBRIDGE	x	x
SUDBURY	x	x
SUNDERLAND		x
SUTTON		x
SWAMPSCOTT		x
SWANSEA		x
TAUNTON	x	x
TEMPLETON		x
TEWKSBURY		x
TISBURY		x
TOLLAND		x
TOPSFIELD	x	x
TOWNSEND		x
TRURO	x	x
TYNGSBOROUGH		x
TYRINGHAM		
UPTON		x
UXBRIDGE	x	x

DEP APPROVED RECYCLING (DARP) AND COMPOSTING PROGRAMS (DACP)
 (An "x" designates that, for these materials, the community is exempt from inspection)

MUNICIPALITY	Leaves & Yardwaste	Glass & Metal Containers
WAKEFIELD	x	x
WALES		x
WALPOLE		x
WALTHAM	x	x
WARE		x
WAREHAM		
WARREN		x
WARWICK		x
WASHINGTON	x	x
WATERTOWN	x	x
WAYLAND		x
WEBSTER		x
WELLESLEY		x
WELLFLEET	x	x
WENDELL		x
WENHAM		x
WEST BOYLSTON		x
WEST BRIDGEWATER		
WEST BROOKFIELD		x
WEST NEWBURY		x
WEST SPRINGFIELD		x
WEST STOCKBRIDGE	x	x
WEST TISBURY	x	x

MUNICIPALITY	Leaves & Yardwaste	Glass & Metal Containers
WESTBOROUGH	x	x
WESTFIELD	x	x
WESTFORD		x
WESTHAMPTON	x	x
WESTMINSTER		x
WESTON	x	x
WESTPORT		x
WESTWOOD	x	x
WEYMOUTH		x
WHATELY		x
WHITMAN		
WILBRAHAM	x	x
WILLIAMSBURG	x	x
WILLIAMSTOWN		x
WILMINGTON	x	x
WINCHENDON		x
WINCHESTER	x	x
WINDSOR		x
WINTHROP		x
WOBURN		x
WORCESTER	x	x
WORTHINGTON	x	x
WRENTHAM		x
YARMOUTH	x	x



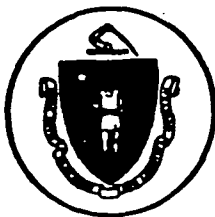
**Department of
Education**

CC, BOS

~~Release~~
~~Under~~

Acct. TESS
John
Don

School Finance Regulations: 1994



SEPTEMBER, 1994

Massachusetts Board of Education

Mr. Martin S. Kaplan, Esquire, Chairperson, Newton
Dr. Madelaine S. Marquez, Vice Chairperson, Amherst

Mr. Thomas Chin, Newton
Ms. Patricia A. Crutchfield, Springfield
Ms. Marjorie Dolan, Boston
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Mr. S. Paul Reville, Worcester
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Dr. Stacy L. Scott, Lowell
Rev. Michael W. Walker, Brockton

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Chairperson, Student Advisory Council

Dr. Piedad F. Robertson, Secretary, Executive Office of Education

(Non-Voting Privileges)
Dr. Stanley Z. Koplik, Chancellor, Higher Education Coordinating Council

Dr. Robert V. Antonucci, Commissioner of Education

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The Commonwealth of Massachusetts

Department of Education

350 Main Street, Malden, Massachusetts 02148-5023 • (617) 388-3300

Robert V. Antonucci
Commissioner

September 30, 1994

Dear School and Municipal Officials:

The Education Reform Law of 1993 brought with it major changes in the Commonwealth's system of funding schools. After carefully reviewing the Law, we believed that it was time to revisit all of the school finance regulations currently in place to assure that they complied with the Education Reform Law and were otherwise up to date and clear. This document incorporates recent amendments to the Regulations passed by the Board of Education in July.

We are grateful for the insights many groups and individuals provided as we considered the amendments and clarifications incorporated into the Regulations presented here. The ultimate test is whether these Regulations will enable us to better serve the needs of all students in the Commonwealth. That was our goal, and I hope these Regulations help us move toward achieving it.

Sincerely,

A handwritten signature in cursive script, reading "Robert V. Antonucci".

Robert V. Antonucci
Commissioner of Education

**603 CMR 10.00: SCHOOL FINANCE: STUDENT AND FINANCIAL ACCOUNTING,
REPORTING AND DOCUMENTATION REQUIREMENTS**

<u>Section</u>	<u>Index</u>	<u>Page</u>
10.01: Authority, Scope and Purpose of Regulations		1
10.02: Definitions		1

STUDENT ACCOUNTING, REPORTING AND DOCUMENTATION REQUIREMENTS

10.03: General and Regular Day Programs	5
10.04: Special Education Programs	7
10.05: Vocational Day Education Programs	10
10.06: Vocational Evening, Adult Evening Practical Arts and Apprenticeship Programs	11
10.07: Transitional Bilingual Education Programs	11
10.08: Adult Education, Regular Evening, Adult Civic Education, Regular Vacation and Junior College Programs	13
10.09: Students in Foster or Group Homes under the Control of the Department of Social Services where such Foster or Group Homes are Located in a School District other than the School District where the Student's Parent(s) or Legal Guardian(s) Resides	13
10.10: Low Income Students	14
10.11: (Reserved)	14

FINANCIAL REPORTING AND DOCUMENTATION REQUIREMENTS

10.12: General Requirements	15
10.13: Special Education Programs	17
10.14: Vocational Day, Vocational Evening, Adult Evening Practical Arts and Apprenticeship Programs	21
10.15: Transitional Bilingual Education Programs	23
10.16: Expanded Programs for Low Income Students	25
10.17: Adult Education and Other Regular Programs (Regular Evening, Regular Vacation, Adult Civic Education and Junior College)	27
10.18: Regular Day Programs	29
10.19: Transportation	29
10.20: Expenditures by Other Municipal Agencies for Educational Purposes	32
10.21: Conduct of Audits of Reported Student and Financial Data	37
10.22: Prior Year and Current Year Spending and Revenues	39
10.98: Appendix I: Examples of Computation of Formulas	43
10.99: Appendix II: Criteria for Reporting Functional Expenditures	53

603 CMR 10.00: SCHOOL FINANCE: STUDENT AND FINANCIAL ACCOUNTING, REPORTING AND DOCUMENTATION REQUIREMENTS

Authority, Scope and Purpose of Regulations

In this section, you will find the Board of Education's authority to issue these regulations and to collect information from school districts relevant to the Board's work, including the computation of school aid.

10.01 AUTHORITY, SCOPE AND PURPOSE OF REGULATIONS

(1) These regulations are promulgated pursuant to the authority of the Board of Education under G.L. c.69, s.1B and G.L. c.70, as amended by St. 1993, c.71.

(2) These regulations govern reporting of information necessary to compute school spending requirements and school aid under G.L. c.15, s.1I; c.70; c.71, s.7A, s.7B, s.16C, s.16D; c.71A, s.8; c.71B, s.14; c.74, s.7A, s.8A; c.76, s.7, s.9. The Commissioner of Education may take steps to verify such information, including but not limited to the numbers of full-time equivalent students and expenditures within each program listed in G.L. c.70, s.2 reported by each city, town, regional school district and independent vocational school.

Definitions

This section defines terms appearing in these regulations.

10.02 DEFINITIONS

Adult Civic Education: An instructional program in the use of English and in the fundamental principles of government, provided to persons over eighteen years of age in accordance with G.L. c.69, s.9.

Adult Education: An academic or enrichment program approved by the Department of Education that offers instructional services for persons over sixteen years of age who are not completing a regular day, special education, vocational day or transitional bilingual education program.

Amortization: Loss in value or service or life of fixed asset because of wear and tear through use, elapsed time, inadequacy or obsolescence.

Apprenticeship Program: A program for apprentices as defined in G.L. c.23, s.11H.

Average Membership: The average number of students registered during a school year who receive instruction in the district's schools as well as students receiving home or hospital instruction. The average shall be calculated by adding the number of students

registered on each day of school and dividing the resulting sum by the number of days in session during the school year.

Direct Costs: Instructional expenditures for supervision, teaching, textbooks, guidance and psychological services reported by instructional program, grade level and special education prototype.

Direct Special Education Instruction: The time spent by special education and/or special education related service personnel in or out of the regular classroom providing service to a student in need of special or parent-student instruction in accordance with the student's individualized educational plan. This term shall include the time of the physical education professional when adaptive physical education is specified in the student's individualized educational plan and provided in a manner or setting not available in the regular education program.

Direct Transitional Bilingual Education Instruction: The time spent by transitional bilingual education and/or English as a second language and related service personnel in or out of the regular classroom providing service to a student in need of transitional bilingual education.

Expanded Programs for Low Income Students: Instructional programs for low income children who are failing, or most at risk of failing, to meet the state's performance standards. These programs must emphasize services provided beyond the regular school day and year, must be based on recognized research of teaching and learning, and must involve accelerated curricula, effective instructional strategies, strong coordination with the regular program, and qualified and trained professional staff.

Expanded Programs must be provided in all schools in a school district serving grades one through eight where the percentage of low income students exceeds 75% before the programs can be provided in other schools in the district.

Extraordinary Maintenance: Activities relating to the physical plant and maintenance of grounds, building and equipment that extend the life of an existing asset and that cost no more than twenty-five thousand dollars.

Full-Time Equivalency Membership: The computational unit used for the purpose of assigning appropriate portions of a student's schedule to the programs cited in 603 CMR 10.03 through 10.09. Neither the full-time equivalency membership reported for a student in a specific program nor the total full-time equivalency membership reported for any student in all programs shall exceed 1.0 with the exception of: students enrolled in any program of more than 185 days duration and students enrolled in programs described in 603 CMR 10.04(1)(d) and 10.05(1)(b).

Indirect Costs: Expenditures in support of instructional programs for administration, principals, library, audio-visual, educational television, attendance, health, food, athletics, other student body activities, operation and maintenance of plant and fixed charges reported in total and not by program.

Individualized Educational Plan (IEP): The plan required for each student receiving special education containing the elements described in 603 CMR 28.322 and .323.

Junior College: A course of instruction beyond the regular high school level maintained in a junior college under the supervision of a school committee in accordance with G.L. c.71, ss.75-77, 79 and 81.

Length of Program: The number of days of instruction in any program during the school year.

Length of School Day: The usual number of hours, minutes or periods in a day of the school year when a school district provides instructional services to students, in accordance with the regulations of the Board of Education. School districts where the length of school day varies by grade level shall apply the appropriate length of school day for students in different grade levels in computing each student's full-time equivalency membership.

Length of School Week: The usual number of hours, minutes or periods in a five-day week of the school year when a school district provides instructional services to students. School districts where the length of the school week varies by grade level shall apply the appropriate length of school week for students in different grade levels in computing each student's full-time equivalency membership.

Length of School Year: The number of days during the months of September through June when a school district provides instructional services to students, in accordance with the regulations of the Board of Education. School districts where the length of school year varies by grade level shall apply the appropriate length of school year for students in different grade levels in computing each student's full-time equivalency membership.

Low-Income Students: Students who are members of the regular day, special education, vocational day or transitional bilingual education programs and who are eligible for free or reduced cost lunches under eligibility guidelines promulgated by the federal government under 42 USC 1758.

Membership: The enrollment of a student from the date he/she presents himself/herself at school and is entered on the school or student registers until he/she transfers, graduates or is withdrawn from the school.

Other Costs: Expenditures for student transportation, community services, fixed assets, debt service, and payments to other schools reported by program.

Professional Development: Services to enhance student learning by promoting increased knowledge and skill and renewal of school personnel.

Program Prototypes: The general program categories for delivering special education as defined in 603 CMR 28.502.

Pupil or Student: A person who is enrolled either in public school or in an approved special education program under G.L. c.71B and the regulations promulgated thereunder and educated at the full or partial expense of a city, town, regional school district or independent vocational school.

Register: The records of membership required by G.L. c.72, s.2 and s.8.

Regular Day Program: A public school day program not defined as special education, vocational or transitional bilingual education under any provision of the General Laws or regulations promulgated thereunder.

Regular Evening Program: An instructional program provided in the evening to students over fourteen years of age to enable them to attain the educational qualifications necessary to complete a regular day program.

Regular Vacation Program: An instructional program offered during the summer to provide students with services normally provided during the school year in the regular day program.

Remedial Services: Regular day instruction provided to students to correct and prevent further learning problems through planned diagnostic and teaching activities, e.g. remedial reading, remedial mathematics, etc.

School District: All public schools under the jurisdiction of city, town and regional school committees; local and district trustees for vocational education; boards of trustees of county agricultural schools created pursuant to G.L. c. 74; and superintendents of Smith's Agricultural School established by St. 1918, c. 151.

Simultaneous Program: A program in which all students in the classroom receive instruction in two or more approved program areas (special education, vocational education, and transitional bilingual education) concurrently on a full-time basis, except special education program prototype 502.1.

Special Education Program: A program for instruction of students with special needs, provided under G.L. c.71B and the regulations promulgated thereunder.

Transitional Bilingual Education Program: A program for instruction of students whose native language is not English and who have limited English speaking ability provided under G.L. c.71A and the regulations promulgated thereunder.

Tuitioned In Membership: The average number of students registered during a school year who are not residents of the school district and for whom a tuition fee was paid to the district by another school district, the state or a parent. Students in a foster or group home under the control of the Department of Social Services whose natural parents live outside the school district are to be included in tuitioned in membership, but listed separately. The average shall be calculated by adding the number of tuitioned in students registered on each day of school and dividing the resulting sum by the number of days in session during the school year.

Tuitioned Out Membership: The average number of students who are residents of a school district, who receive instruction from another school district, from a collaborative or from a private school approved under G.L. c.71B, and for whom the city, town, or the school district pays a tuition fee or an assessment. The average shall be calculated by adding the number of students tuitioned out on each day of school and dividing the resulting sum by the number of days in session during the school year. These students are not included in the sending district's average membership.

Vocational Day Program: A full-time occupational education program approved under the 603 CMR 4.00 to prepare students for profitable employment in agricultural, distributive, allied health, vocational home economics, technical, trade and industrial occupations.

Vocational Evening Practical Arts Program: A part-time occupational education program approved under the 603 CMR 4.00, usually conducted during the evening, to train adults for profitable employment in household and other practical arts.

Vocational Evening Program: A part-time occupational education program approved under the 603 CMR 4.00, usually conducted during the evening, for students who are not members in any other instructional program to prepare them for profitable employment in agricultural, distributive, allied health, vocational home economics, technical, trade and industrial occupations.

General and Regular Day Program Reporting Requirements

Here we identify reporting requirements for students in general and regular day programs. You will find the general method for calculating full-time equivalency (FTE) and the general reporting requirements for FTE membership. The section also discusses reporting requirements for pre-school and kindergarten membership, as well as the requirements for supporting student data that are reported.

10.03 GENERAL AND REGULAR DAY REQUIREMENTS FOR STUDENT ACCOUNTING, REPORTING AND DOCUMENTATION

(1) Each school district shall report the total average membership in the following enrollment categories: regular day, special education, vocational education, transitional bilingual education and adult education.

(2) Except as provided in 603 CMR 10.04 through 10.09, membership data for each enrollment category shall be calculated for each student on a full-time equivalency basis according to the following general formula:

Full-time equivalency =

$$\frac{\text{time scheduled for program per week}}{\text{length of school week}} \times \frac{\text{days in membership}}{\text{length of school year}}$$

Throughout 603 CMR 10.00, whenever the "length of individual student program per week" is used in the denominator of this fraction for the computation of full-time equivalency for transitional bilingual and special education programs for students who are also enrolled in additional programs, "length of school week" must be replaced by "length of individual student program per week" in all fractions used in the computations for the additional programs.

Throughout 603 CMR 10.00, whenever the "length of school year" is in excess of 185 days, 180 days shall be used in the denominator of this fraction for the computation of full-time equivalency.

(3) The full-time equivalency shall be computed for each instructional program in which the student is enrolled.

(4) If a student is enrolled in a simultaneous program, as defined in 603 CMR 10.02, his/her average membership shall be reported in only one enrollment category, as provided in G.L. c. 70, s. 2.

(5) (a) Membership data for students enrolled in regular day pre-school and kindergarten programs shall be reported on a full-time equivalency basis, which shall be computed using the following formula:

Full-time equivalency =

$$\frac{\text{hours of program instruction per week}}{\text{length of individual student program per week}} \times \frac{\text{days in membership}}{\text{length of school year}}$$

(b) Each school district shall report regular day pre-school and kindergarten full-time equivalency membership separately from all other regular day full-time equivalency membership.

(c) Each school district shall also report the average daily hours of instruction for regular day pre-school and kindergarten programs.

(d) The Department of Education will convert the reported full-time equivalency membership data for pre-school and kindergarten consistent with G.L. c. 70, s. 2 to calculate state aid.

(6) Documentation Requirements

Each school district shall maintain school registers and student census cards for all students to support reported student data, except where otherwise indicated by program area. Each school district shall retain the records referred to in 603 CMR 10.03 through 10.20 for seven years after the date of submission to the Department of Education of the annual End-of-Year Pupil and Financial Report. The records involved in any claim or expenditure which has been questioned by a Department of Education audit shall be further retained until resolution of any such audit questions.

Special Education Program Reporting Requirements

Reporting requirements for students in special education programs are identified here. We provide you with the methods for calculating full-time equivalency for different prototypes, additional requirements for reporting pre-school and kindergarten membership, and the conditions under which students in some prototypes can be enrolled for more than 185 days.

10.04 STUDENT ACCOUNTING, REPORTING AND DOCUMENTATION REQUIREMENTS: SPECIAL EDUCATION PROGRAMS

(1) Membership data for special education programs shall be reported on a full-time equivalency basis according to the formulas applicable to each prototype.

(a) Either one of the following formulas shall be used in computing full-time equivalency or each student in program prototype:

502.1 Regular day program with modifications

Full-time equivalency = $0.1 \times \frac{\text{days in membership}}{\text{length of school year}}$

OR

Full-time equivalency =

$\frac{\text{hours of direct special education instruction per week}}{\text{length of individual student program per week}} \times \frac{\text{days in membership}}{\text{length of school year}}$

Note: minutes may be used instead of hours

(b) The following formula shall be used in computing full-time equivalency for each student in program prototypes:

502.2 Regular education program with no more than 25% time out of regular classroom

502.3 Regular education program with no more than 60% time out of regular classroom

502.4 Substantially separate program

502.4 (i) Substantially separate program in a facility other than a public school regular education facility

Full-time equivalency =

$\frac{\text{hours of direct special education instruction per week}}{\text{length of individual student program per week}} \times \frac{\text{days in membership}}{\text{length of school year}}$

(c) The following formula shall be used in computing full-time equivalency for each student in program prototypes:

502.5 Day school program

502.6 Residential school program, including pre-school residential program

Full-time equivalency =
$$\frac{\text{days in membership}}{\text{length of school year (school district)}}$$

(d) The following formula shall be used in computing full-time equivalency for each student in program prototype:

502.7 Home, hospital and regional adolescent program

Full-time equivalency =

$$\frac{\text{hours of direct special education instruction per week}}{\text{length of school week}} \times \frac{\text{days in membership}}{\text{length of school year}}$$

No regular day full-time equivalency shall be reported for a student while enrolled in prototype 502.7.

(e) The following formulas shall be used in computing full-time equivalency for each student in program prototype:

502.8 Program for children ages 3 and 4

1. For each student enrolled in a program for 12.5 hours or less each week:

Full-time equivalency =
$$0.5 \times \frac{\text{days in membership}}{\text{length of school year}}$$

2. For each student enrolled in a program for more than 12.5 hours each week:

Full-time equivalency =
$$1.0 \times \frac{\text{days in membership}}{\text{length of school year}}$$

(f) The following formula shall be used in computing full-time equivalency for each student attending private school completely at private expense, when special education is being provided by the school district in accordance with 603 CMR 28.205:

Full-time equivalency =

$$\frac{\text{hours of direct special education instruction per week}}{\text{length of school week}} \times \frac{\text{days in membership}}{\text{length of school year}}$$

(g) Students in special education programs may be enrolled for more than 185 days (exclusive of weekends, holidays and vacation days) if the student's evaluation TEAM has determined the need for an extended year special education program, as provided in 603 CMR 28.322.18.

(h) Membership data for students enrolled in special education kindergarten programs shall be reported on a full-time equivalency basis according to the following formulas:

1. For each kindergarten student enrolled in special education and whose length of individual program per week is more than 12.5 hours, full-time equivalency for special education shall be computed by using the appropriate prototype formula in 603 CMR 10.04.

2. For each kindergarten student enrolled in special education and whose length of individual program per week is 12.5 hours or less, full-time equivalency for special education shall be computed by using the appropriate prototype formula in 603 CMR 10.04 and then multiplying the result by 0.5.

(2) Each school district shall report special education pre-school and kindergarten full-time equivalency membership separately from all other special education program full-time equivalency membership.

(a) Each school district shall also report the average daily hours of instruction for special education pre-school and kindergarten programs.

(b) The Department of Education will convert the reported full-time equivalency membership data for pre-school and kindergarten consistent with G.L. c.70, s.2 to calculate state aid.

(3) Documentation Requirements

Each school district shall maintain the following documentation to support reported student data in all special education program prototypes:

(a) A current signed individualized educational plan for each student, which meets the requirements of 603 CMR 28.322.0 and 323.0, and which specifies instructional and related service personnel and the number of hours of special education services they provide, shall be maintained.

(b) A register of students in need of special education services as required by 603 CMR 28.300.0, shall be maintained.

(c) In addition, for program prototype 502.7, a physician's written recommendation of placement is required. Signed individualized educational plans are not required for programs defined as Type A programs under 603 CMR 28.502.7.

(d) In addition, for program prototype 502.8, the hours of the student's program week shall be specified in the student's individualized educational plan.

Vocational Day Education Program Reporting Requirements

This part shows you how to meet reporting requirements for students in vocational day education programs. We provide methods showing you how to compute full-time equivalency for students in different situations, such as full-time vocational and full-time regular/part-time vocational. We also include requirements for documenting student data that are reported.

10.05 STUDENT ACCOUNTING, REPORTING AND DOCUMENTATION REQUIREMENTS: VOCATIONAL DAY EDUCATION PROGRAMS

(1) Membership data for vocational day education program shall be reported on a full-time equivalency basis according to the applicable formulas below:

(a) The following formula shall be used in computing full-time equivalency for each student, including post-graduates and post secondary students, enrolled full-time in an approved vocational day education program:

$$\text{Full-time equivalency} = \frac{\text{days in membership}}{\text{length of school year}}$$

(b) The following formula shall be used in computing vocational education full-time equivalency for each student enrolled full-time in a regular day program and also enrolled in an approved vocational education program in either the same or a separate school district after the close of the regular school day (shop courses only):

$$\text{Full-time equivalency} = 0.5 \times \frac{\text{days in membership}}{\text{length of school year}}$$

Regular day program full-time equivalency for each student in this program shall be computed by the appropriate school district under 603 CMR 10.03.

(c) The following formula shall be used in computing vocational education full-time equivalency for each student enrolled half-time in an approved vocational education program regardless of whether or not the student is also enrolled half-time in a regular day program in either the same or a separate school district:

$$\text{Full-time equivalency} = 0.5 \times \frac{\text{days in membership}}{\text{length of school year}}$$

Regular day program full-time equivalency for each student in this program shall be computed by the appropriate school district under 603 CMR 10.03.

(2) Documentation Requirements

Each school district shall maintain the following documentation to support reported student data in all vocational programs:

(a) A vocational education roster identifying the students and the amount of time

spent in the program(s) by program type.

(b) Approval of the program(s) in writing by the Department of Education, in accordance with 603 CMR 4.03(5).

Vocational Evening and Apprenticeship Program Reporting Requirements

This section talks about reporting requirements for students in vocational evening, adult evening practical arts and apprenticeship programs. You are shown how to calculate full-time equivalency and how to meet requirements for documenting student data that you report.

10.06 STUDENT ACCOUNTING, REPORTING AND DOCUMENTATION REQUIREMENTS: VOCATIONAL EVENING, ADULT EVENING PRACTICAL ARTS, AND APPRENTICESHIP PROGRAMS

(1) Membership data for approved vocational evening, adult evening practical arts, and apprenticeship programs shall be reported on a full-time equivalency basis, which shall be computed using the following formula:

$$\text{Full-time equivalency} = \frac{\text{days in membership}}{\text{length of school year}}$$

(2) Documentation Requirements

Each school district shall maintain the following documentation to support reported student data in these programs:

(a) A roster identifying the students enrolled and the amount of time spent in the program(s) by program type.

(b) Approval of the program(s) in writing by the Department of Education, in accordance with 603 CMR 4.03(5).

Transitional Bilingual Education Program Reporting Requirements

Here you are shown how to meet reporting requirements for students in transitional bilingual education programs. We show you how to compute full-time equivalency, and we identify additional requirements for reporting membership in pre-school, kindergarten and summer programs. The section also includes documentation requirements for supporting reported student data.

**10.07 STUDENT ACCOUNTING, REPORTING AND DOCUMENTATION
REQUIREMENTS: TRANSITIONAL BILINGUAL EDUCATION PROGRAMS**

(1) Membership data for approved transitional bilingual education programs shall be reported on a full-time equivalency basis, which shall be computed using the following formula:

Full-time equivalency =

$$\frac{\text{hours of direct transitional bilingual education instruction per week}}{\text{length of individual student program per week}} \times \frac{\text{days in membership}}{\text{length of school year}}$$

(2) Membership data for students enrolled in approved pre-school and kindergarten transitional bilingual education programs shall be reported on a full-time equivalency basis, which shall be computed using the following formula:

Full-time equivalency =

$$\frac{\text{hours of direct transitional bilingual education instruction per week}}{\text{length of individual student program per week}} \times \frac{\text{days in membership}}{\text{length of school year}}$$

(a) Each school district shall report transitional bilingual education pre-school and kindergarten full-time equivalency membership separately from all other transitional bilingual education program full-time equivalency membership.

(b) Each school district shall also report the average daily hours of instruction for approved transitional bilingual education pre-school and kindergarten programs.

(c) The Department of Education will convert the reported full-time equivalency membership data for pre-school and kindergarten consistent with G.L. c.70, s.2, as amended, to calculate state aid.

(3) Documentation Requirements

Each school district shall maintain the following documentation to support reported student data in all approved transitional bilingual education programs:

(a) A transitional bilingual education roster identifying the students and the amount of time spent in the program.

(b) Approval of the program(s) in writing by the Department of Education, in accordance with 603 CMR 14.11(7).

(4) Membership data for the approved transitional bilingual summer education program shall be reported on a full-time equivalency basis, which shall be computed using the following formula:

$$\text{Full-time equivalency} = \frac{\text{days in membership}}{\text{length of program}}$$

(a) Membership data for an approved transitional bilingual summer education program shall be reported separately.

(b) A transitional bilingual summer education roster identifying the students shall be maintained by the school district.

Adult Education and Other Regular Program Reporting Requirements

You will find here reporting requirements for students in adult education, regular evening, adult civic education, regular vacation and junior college programs. We give you the method for calculating full-time equivalency and requirements for documenting student data.

10.08 STUDENT ACCOUNTING, REPORTING AND DOCUMENTATION REQUIREMENTS: ADULT EDUCATION, REGULAR EVENING, ADULT CIVIC EDUCATION, REGULAR VACATION AND JUNIOR COLLEGE PROGRAMS

(1) Membership data for adult education, regular evening, adult civic education, regular vacation, and junior college programs shall be reported on a full-time equivalency basis, which shall be computed using the following formula:

$$\text{Full-time equivalency} = \frac{\text{days in membership}}{\text{length of program}}$$

(2) Documentation Requirements

Each school district shall maintain rosters to support reported student data in adult education, regular evening, adult civic education, regular vacation or junior college programs. The roster shall identify the students and the amount of time spent in the program(s) by program type.

Reporting Requirements for Students in Foster or Group Homes

Here we identify reporting requirements for students in foster or group homes under the control of the Department of Social Services which are located outside the district where the student resides. You need to compute full-time equivalency using the appropriate methods provided in previous sections. The Department of Education will verify the eligibility of these students with appropriate state agencies.

10.09 STUDENT ACCOUNTING, REPORTING AND DOCUMENTATION REQUIREMENTS: STUDENTS IN FOSTER OR GROUP HOMES UNDER THE CONTROL OF THE DEPARTMENT OF SOCIAL SERVICES WHERE SUCH FOSTER OR GROUP HOMES ARE LOCATED IN A SCHOOL DISTRICT OTHER THAN THE SCHOOL DISTRICT WHERE THE STUDENT'S PARENT(S) OR LEGAL GUARDIAN(S) RESIDES

(1) Names, program(s) and membership data for these students shall be reported on a full-time equivalency basis, computing full-time equivalency for each student according to 603 CMR 10.03 through 10.07 as applicable, on forms provided by the Department of Education. The Department of Education will collect this information in accordance with 603 CMR 23.07(4).

(2) The Department of Education shall verify the eligibility of students reported under 603 CMR 10.09(1) with the appropriate state agency.

(3) Membership data for these students shall not be reported under 603 CMR 10.09 but instead shall be reported as tuitioned in if the school district has received tuition payment from another city, town, school district or other state agency.

Reporting Requirements for Low Income Students

Here you will find reporting requirements for low income students, and for low income students who receive expanded program services.

10.10 STUDENT ACCOUNTING, REPORTING AND DOCUMENTATION REQUIREMENTS: LOW INCOME STUDENTS.

(1) A child who meets the eligibility standards for free or reduced cost lunches based on the eligibility guidelines of the federal government under 42 U.S.C. 1758 shall be reported as a low income student.

(2) A student who receives expanded program services shall be reported as a member of the program. The membership in the program shall be the number of such students and not the full-time equivalency membership.

10.11 (RESERVED)

General Requirements for Financial Reporting and Documentation

This section shows you how to meet general requirements for reporting financial data. We specify individual items you should include when reporting direct costs, indirect costs and other costs. Direct costs must be reported by program, grade level and prototype. We also include requirements for documenting financial data which you report.

10.12 GENERAL REQUIREMENTS FOR FINANCIAL REPORTING AND DOCUMENTATION

(1) Each school district shall report expenditures as required in the annual Department of Education End-of-Year Pupil and Financial Report in accordance with G.L. c.72, s.3.

(2) For the purpose of 603 CMR 10.00, the term "Direct Costs" shall include:

- 2100 - Supervision
- 2300 - Teaching
- 2400 - Textbooks
- 2700 - Guidance Services
- 2800 - Psychological Services

Direct costs shall be reported by program, grade level and, where appropriate, prototype. When necessary, costs shall be prorated based on acceptable accounting principles.

(3) For the purpose of 603 CMR 10.00, the term "Indirect Costs" shall include:

- 1100 - School Committee
- 1200 - Superintendent's Office
- 2200 - Principal's Office
- 2500 - Library Services
- 2600 - Audio-Visual Programs
- 2900 - Educational TV
- 3100 - Attendance
- 3200 - Health Services
- 3400 - Food Services
- 3510 - Athletics
- 3520 - Other Student Activities
- 4110 - Custodial Services
- 4120 - Heating
- 4130 - Utility Services
- 4210 - Maintenance of Grounds
- 4220 - Maintenance of Buildings
- 4230 - Maintenance of Equipment
- 4300 - Extraordinary Maintenance
- 5100 - Employees' Retirement Program
- 5200 - Insurance Services
- 5250 - Insurance for Retired School Employees
- 5300 - Rental/Lease of Land, Buildings, and Equipment

5400 - Debt Services for Current Loans/Interest
5500 - Other Fixed Charges Programs

Indirect costs shall be reported in total by each school district for each indirect cost category.

(4) For the purpose of 603 CMR 10.00, the term "Other Costs" shall include:

3300 - Student Transportation (refer to 603 CMR 10.19)
6200 - Civic Activities
6300 - Recreation Services
6800 - Health Services to Non-Public Schools
6900 - Transportation Services to Non-Public Schools
7100 - Acquisition and Improvement of Site
7200 - Acquisition and Improvement of Buildings
7300 - Acquisition and Improvement of Equipment
7400 - Replacement of Equipment
7500 - Acquisition of Motor Vehicles
7600 - Replacement of Motor Vehicles
8100 - Long Term Debt Retirement/School Construction
8200 - Long Term Debt Service/School Construction
8300 - Long Term Debt Retirement/Educational Expenditures
8400 - Long Term Debt Service/Educational Expenditures
8500 - Long Term Debt Retirement/Other
8600 - Long Term Debt Service/Other
9100 - Programs with Other Districts in Massachusetts
9200 - Programs with Districts in Other States
9300 - Programs with Non-Public Schools
9400 - Payments to Collaboratives
9500 - Assessment Payments to Regional School Districts

Other costs shall be reported as required in the annual End-of-Year Pupil and Financial Report.

(5) Documentation Requirements.

Each school district in support of reported financial data shall maintain books of original entry, general and subsidiary ledgers, related accounting records, and as appropriate, memorandum records, work sheets, supporting cost allocations and computations, payroll and expenditure warrants, written contracts, staff logs (specifying name and period and type of service), appointment books, evidence of teaching credentials or approval by programs, teaching schedules, cancelled checks and paid invoices. The Department of Education has the authority to examine all such documentation. Each school district shall retain the records referred to in 603 CMR 10.03 through 10.20 for seven years after the date of submission to the Department of Education of the annual End-of-Year Pupil and Financial Report. The records involved in any claim or expenditure which has been questioned by a Department of Education audit shall be further retained until resolution of any such audit questions.

Financial Reporting and Documentation Requirements for Special Education Programs

Requirements for reporting and documenting financial data for special education programs are described here. We include requirements for supervisory services, teaching services, textbooks and equipment, guidance services, psychological services, TEAM evaluations, recreation programs, and tuition.

10.13 FINANCIAL REPORTING AND DOCUMENTATION REQUIREMENTS: SPECIAL EDUCATION PROGRAMS

(1) 2100 - Supervisory Services

(a) The salary of a full-time special education administrator shall be reported in total.

(b) The salary of an administrator who has part-time supervisory responsibilities for special education shall have a portion allocated to special education supervision according to the following fraction:

$$\frac{\text{time spent in special education supervision}}{\text{time spent in all programs}}$$

(c) The salary and related costs of a director of pupil personnel services who performs the functions of a special education administrator in a school district without a special education administrator shall have a portion allocated to special education supervision according to either one of the following fractions:

$$\frac{\text{special needs personnel in pupil personnel services}}{\text{total personnel in pupil personnel services}}$$

OR

$$\frac{\text{time spent in special education supervision}}{\text{total time spent in pupil personnel services}}$$

(d) The salaries and related costs of a special education curriculum director and other special education supervisory personnel shall have a portion allocated to special education supervision according to the following fraction:

$$\frac{\text{time spent in special education supervision}}{\text{total time spent in all functions}}$$

(2) 2300 - Teaching Services

(a) The salaries of teachers who are certified in special education or have received interim approval or prior waiver and who directly and exclusively serve students with individualized educational plans shall be reported in total.

(b) The salaries of teachers described in 603 CMR 10.13(2)(a) who serve students with individualized educational plans on a part-time basis (e.g., part-time special education and part-time regular education) shall have a portion allocated to special education teaching services according to the following fraction:

$$\frac{\text{time spent in special education}}{\text{time spent in all programs}}$$

(c) The salaries of teachers described in 603 CMR 10.13(2)(a) not reported under 603 CMR 10.13(6)(e) shall be reported regardless of whether they are directly serving students or conferring with teachers who are providing service to students in special education programs.

(d) Salaries of teachers providing regular day classroom instruction may not be reported in full or in part under special education.

(e) Salaries of physical education teachers may be reported under special education only when special physical education services are specified in the individualized educational plan and the specialized services are not available to students in a regular education program. The teacher's salary shall be allocated in accordance with the fraction in 603 CMR 10.13(2)(b).

(f) Remedial services may not be reported as a special education expenditure.

(g) Salaries of all teacher aides who work under the direct supervision of certified special education teachers shall be reported by allocating the teacher aide's salary in accordance with the fraction in 603 CMR 10.13(2)(b).

(h) Expenditures for consultants retained specifically for Chapter 766 programs, evaluation, staff training/development, curriculum development and other activities related to special education shall be reported. Such reported expenditures shall be supported by written contracts or similar documentation.

(i) Salaries of teachers for the time they are delivering services to students in prototype 502.7 shall be reported according to the following fraction:

$$\frac{\text{time spent in home/hospital instruction}}{\text{time spent in all programs}}$$

(3) 2400 - Textbooks and Equipment

(a) Textbook expenditures shall be reported for textbooks related to the individualized educational plan of the special education student only when the textbooks differ from those available in the regular education program.

(b) All expenditures for equipment purchased and used exclusively for students with special needs shall be reported. This includes original or replacement equipment used

only for special education (such as a braille) that is part of a student's individualized educational plan.

(c) Documentation Requirements. Each school district shall maintain all appropriate documentation described in 603 CMR 10.12(5) in support of reported special education equipment expenditures.

(4) 2700 - Guidance Services, including Certified School Adjustment Counselors and School Social Workers

(a) Salaries of guidance personnel may be reported under special education only when the services provided by such personnel meet the following conditions:

- (1) specified in the individualized educational plan;
- (2) limited to those services and conditions listed under 603 CMR 28.503.1(h);
- (3) delivered by a school adjustment counselor or school social worker; and
- (4) delivered in a manner or setting unavailable to students in a regular education program.

(b) The salaries of guidance personnel and related costs shall have a portion allocated to special education guidance services according to the following fraction:

$$\frac{\text{time spent in special education}}{\text{time spent in all programs}}$$

(5) 2800 - Psychological Services

(a) Salaries of psychological personnel may be reported under special education only when the services provided by such personnel are specified in the individualized educational plan and are delivered to a special education student(s) in a manner or setting unavailable to students in a regular education program. The salaries of psychological personnel and related costs shall have a portion allocated to special education psychological services according to the following fraction:

$$\frac{\text{time spent in special education}}{\text{time spent in all programs}}$$

(b) The costs of contracted services for physicians, outside psychologist and other members of a TEAM evaluation or providers of services specified in an individualized educational plan shall be reported, provided that the expenditure is supported by a paid invoice and the cost is allocated to a particular TEAM evaluation or service.

(6) TEAM Evaluation Costs

(a) Only those costs incurred after a referral for evaluation has been consented to by a parent and before the acceptance of an individualized educational plan, a finding of no need for special education services or the completion of a hearing, pursuant to 603 CMR 28.402 shall be reported as TEAM evaluation costs.

(b) The costs of all staff who participate in a TEAM evaluation, except regular education teachers, shall be reported for that portion of their time spent in TEAM evaluation activities.

(c) The costs of independent evaluations conducted in accordance with 603 CMR 28.00 shall be reported in total.

(d) Costs of substitute teachers incurred while the regular day classroom teacher is participating in the TEAM evaluation process may be reported in total.

(e) Salary expenditures for special education teachers and staff, other than regular education teachers, participating in the TEAM evaluation process as defined in 603 CMR 28.311.0, shall be:

- (1) computed on an hourly basis; and
- (2) deducted from that teacher's or staff's salary prior to reporting his/her salary or computing salary expenditures by prototype.

(f) All TEAM evaluation costs shall be allocated to an identifiable TEAM evaluation. The total number of full and intermediate TEAM evaluations shall be reported. Personnel assigned full-time to the TEAM evaluation process shall document their time by keeping a written log of all students in whose TEAM evaluations they were involved.

(g) No expenditure reported under a TEAM evaluation shall be reported in any other cost category.

(7) Annual Review Costs

Annual review costs are to be reported as special education instructional costs and allocated to the prototype in which the student is being served. The same principles that apply to allocation of time for TEAM evaluations shall be used to report expenditures for annual reviews.

(8) Screening Costs

The costs of early childhood screening, kindergarten screening and special education screening of new students shall be reported separately and are not to be included in TEAM evaluation costs. The same principles that apply to allocation of time for TEAM evaluations shall be used to report expenditures for screening.

(9) 9000 - Tuition

(a) Total tuition expenditures by school districts for special education students shall be reported by prototype. Tuitions in prototypes 502.5 and 502.6 are set by the Rate Setting Commission and cannot be exceeded. Retroactive rates approved by the Rate Setting Commission shall be reported in the year in which they are paid.

(b) Documentation Requirements. Each school district shall maintain all documentation required under 603 CMR 10.04(3) and 10.12(5) in support of reported special education tuition expenditures. In addition, each school district shall maintain signed individualized educational plans as required in 603 CMR 10.04(3).

(10) All expenditures by a school district for special education students attending private schools at private expense shall be reported separately.

Financial Reporting and Documentation Requirements for Vocational Programs

In this section we discuss requirements for reporting and documenting financial data for vocational education programs. You will find requirements for supervisory services, teaching services, textbooks and equipment, guidance services, psychological services, buildings, and tuition.

10.14 FINANCIAL REPORTING AND DOCUMENTATION REQUIREMENTS: VOCATIONAL DAY, VOCATIONAL EVENING, ADULT EVENING PRACTICAL ARTS, AND APPRENTICESHIP PROGRAMS

(1) 2100 - Supervisory Services

(a) The salary of a full-time vocational educational supervisor shall be reported in total.

(b) The salaries of instructional personnel who have part-time supervisory responsibilities for vocational education shall have a portion allocated to vocational education supervision according to the following fraction:

$$\frac{\text{time spent in vocational education supervision}}{\text{time spent in all programs}}$$

(2) 2300 - Teaching Services

(a) The salaries of approved teachers who are teaching in a vocational education program shall be reported in total.

(b) The salaries of teachers who are not subject to approval by the Department of Education and who are teaching academic subjects in an approved vocational education program shall be allocated to vocational education teaching services according to either of the following fractions:

$$\frac{\text{time spent in vocational education}}{\text{time spent in all programs}}$$

OR

number of students he/she teaches in vocational education programs
total number of his/her students

(3) 2400 - Textbooks and Equipment

All expenditures for textbooks and instructional equipment in an approved vocational program, including expenditures for academic textbooks issued in an approved vocational education program in a comprehensive high school, shall be reported.

(4) 2700 : Guidance Services

(a) In schools providing approved vocational education programs exclusively, all expenditures for guidance services shall be reported as vocational expenditures, except those reported as special education or transitional bilingual education expenditures consistent with 603 CMR 10.13 and 10.15.

(b) In all other schools with an approved vocational education programs(s), all expenditures for guidance services shall be reported according to the following fraction:

number of students in vocational education programs
total number of students

OR

time spent with students in vocational education programs
total time spent with all students

(5) 2800 - Psychological Services

(a) In schools providing approved vocational education programs exclusively, all expenditures for psychological services shall be reported as vocational education expenditures, except those reported as special education or transitional bilingual education expenditures education consistent with 603 CMR 10.13 and 10.15.

(b) In all other schools with an approved vocational education program(s), all expenditures for psychological services shall be reported according to the following fraction:

number of students in vocational educational programs
total number of students

OR

time spent with students in vocational educational programs
total time spent with all students

(c) Psychological services shall not be reported for vocational evening, adult evening practical arts, and apprenticeship programs.

(6) 7200 - Acquisition and Improvement of Buildings

Any building acquisition or improvement that is directly attributable to an approved vocational education program shall be reported.

(7) 9000 - Tuition

Total tuition expenditures by school districts for students in approved vocational education programs shall be reported.

(8) Documentation Requirements

Each school district shall maintain all documentation required under 603 CMR 10.05(2) and 10.12(5) in support of reported vocational education expenditures. In addition, each school district shall maintain written program approvals and written approval of tuition placements from the Department of Education, as required in 603 CMR 4.12(2). The reported tuition expenditures must not exceed the rates approved each year by the Department of Education.

Financial Reporting and Documentation Requirements for Transitional Bilingual Education Programs

This part addresses requirements for reporting and documenting financial data for transitional bilingual education programs. We identify requirements for supervisory services, teaching services, textbooks and equipment, guidance services, psychological services, civic activities, programs with other districts in Massachusetts, and summer programs.

**10.15 FINANCIAL REPORTING AND DOCUMENTATION REQUIREMENTS:
TRANSITIONAL BILINGUAL EDUCATION PROGRAMS**

(1) 2100 - Supervisory Services

(a) The salary of a full-time transitional bilingual education project director, supervisor or teacher in charge, in accordance with G.L.c.71A, s.8, shall be reported in total.

(b) The salary of a project director, supervisor or teacher in charge who has part-time supervisory responsibilities for transitional bilingual education shall have a portion allocated as transitional bilingual education supervisory services according to the following fraction:

$$\frac{\text{time spent in transitional bilingual education supervision}}{\text{time spent in all programs}}$$

(2) 2300 - Teaching Services

(a) The salaries of full-time transitional bilingual education teachers and English as a second language teachers who are certified or who have a prior waiver and are working in approved transitional bilingual education programs shall be reported in total.

(b) The salaries of part-time transitional bilingual education teachers and part-time English as a second language teachers described in 603 CMR 10.15(2)(a) in approved transitional bilingual education programs shall have a portion allocated as transitional bilingual education teaching services according to the following fraction:

time spent in transitional bilingual education
time spent in all programs

(c) The salaries of teacher aides working full or part-time under the supervision of a certified transitional bilingual education or English as a second language teacher shall have a portion allocated as transitional bilingual education teaching services according to the following fraction:

time spent in transitional bilingual education
time spent in all programs

(d) Expenditures for consultants retained specifically for transitional bilingual education evaluation, staff training/development, curriculum development and other activities related to transitional bilingual education shall be reported. Reported expenditures shall be supported by written contracts or similar documentation.

(3) 2400 - Textbooks and Equipment

Expenditures for textbooks and instructional equipment used by transitional bilingual education students in transitional bilingual education shall be reported.

(4) 2700 - Guidance Services

In all schools with an approved transitional bilingual education program(s), all expenditures for guidance service shall be reported according to the following fraction:

number of students in transitional bilingual education program
total number of students

OR

time spent with students in transitional bilingual education program
total time spent with all students

(5) 2800 - Psychological Services

In all schools with an approved transitional bilingual education program(s), all expenditures for psychological services shall be reported according to the following fraction:

number of students in transitional bilingual education
total number of students

OR

time spent with students in transitional bilingual education program
total time spent with all students

6) 6200 - Civic Activities

Expenditures directly attributable to Parent Advisory Councils under an approved transitional bilingual education program shall be reported.

(7) 9100 - Programs with Other Districts in Massachusetts

Each school district shall report all tuition expenditures for students in approved transitional bilingual education programs in other Massachusetts school districts according to the following fraction:

time spent in transitional bilingual education
time spent in all programs

(8) Approved Transitional Bilingual Summer Education Program

All staff, equipment, materials, supplies and facility costs associated with an approved transitional bilingual summer education program(s) shall be reported in full.

(9) Documentation Requirements

Each school district shall maintain all documentation required under 603 CMR 10.07(3), 10.07(4) and 10.12(5).

Financial Reporting and Documentation Requirements for Expanded Programs for Low Income Students

Here we present requirements for reporting and documenting financial data for expanded programs for low income students. Requirements are included for supervisory services, teaching services, textbooks and equipment, guidance services, and psychological services.

10.16 FINANCIAL REPORTING AND DOCUMENTATION REQUIREMENTS:
EXPANDED PROGRAMS FOR LOW INCOME STUDENTS

(1) 2100 - Supervisory Services

(a) The salary of a full-time project director, supervisor or teacher in charge shall be reported in total.

(b) The salary of a project director, supervisor or teacher in charge who has part-time supervisory responsibilities for expanded programs shall have a portion allocated as expanded program supervisory services according to the following fraction:

time spent in expanded program supervision
time spent in all programs

(2) 2300 - Teaching Services

(a) The salaries of teachers who are certified or who have a prior waiver and are working full-time in expanded programs shall be reported in total.

(b) The salaries of teachers who are certified or who have a prior waiver and are working part-time in expanded programs shall have a portion allocated as expanded program teaching services according to the following fraction:

time spent in expanded program teaching
time spent in all programs

(c) Salaries of teacher aides working full or part-time under the supervision of a certified teacher in an expanded program shall have a portion allocated as expanded program teaching services according to the following fraction:

time spent in expanded program teaching
time spent in all programs

(d) Expenditures for consultants retained specifically for expanded program evaluation, curriculum development and other activities related to expanded programs shall be reported. Such reported expenditures shall be supported by written contracts or similar documentation.

(3) 2400 - Textbooks and Equipment

Expenditures for textbooks and instructional equipment used exclusively for expanded programs and not for regular education programs shall be reported.

(4) 2700 - Guidance Services

In all schools with expanded programs, all expenditures for guidance services shall be reported according to the following fraction:

$$\frac{\text{number of students in expanded programs}}{\text{total number of students}}$$

OR

$$\frac{\text{time spent with students in expanded programs}}{\text{total time spent with all students}}$$

(5) 2800 - Psychological Services

In all schools with expanded programs, all expenditures for psychological services shall be reported according to the following fraction:

$$\frac{\text{number of students in expanded programs}}{\text{total number of students}}$$

OR

$$\frac{\text{time spent with students in expanded programs}}{\text{total time spent with all students}}$$

Financial Reporting and Documentation Requirements for Adult Education and Other Regular Programs

Requirements for reporting and documenting financial data for adult education and other regular programs are discussed here. We include requirements for supervisory services, teaching services, textbooks and equipment, civic activities, and tuition.

10.17 FINANCIAL REPORTING AND DOCUMENTATION REQUIREMENTS: ADULT EDUCATION AND OTHER REGULAR PROGRAMS (REGULAR EVENING, REGULAR VACATION, ADULT CIVIC EDUCATION, JUNIOR COLLEGE)

(1) 2100 - Supervisory Services

(a) The salary of a full-time adult education or other regular education supervisor shall be reported in total.

(b) The salary of a supervisor who has part-time responsibilities for adult education or other regular education shall have a portion allocated to adult education or other regular education supervisory services according to the following fraction:

$$\frac{\text{time spent in adult education or other regular education}}{\text{time spent in all programs}}$$

OR

In cases where the supervisor receives a separate salary the amount of that salary shall be reported in full.

(2) 2300 - Teaching Services

Salaries of teachers in adult education or other regular education programs shall be allocated to adult education or other regular education teaching services according to the following fraction:

$$\frac{\text{time spent in adult education or other regular education}}{\text{time spent in all programs}}$$

OR

In cases where the teacher receives a separate salary the amount of that salary shall be reported in full.

(3) 2400 - Textbooks and Equipment

Actual cost of textbooks and instructional equipment used in adult education and other regular education programs shall be reported.

(4) 2700, 2800 - Psychological Services and Guidance Services

No psychological or guidance services expenditures may be reported.

(5) 6200 - Civic Activities

Any expenses incurred in the operation of an adult education advisory council shall be reported.

(6) 9000 - Tuition

Actual costs of tuition for out of district placements of students in adult education or other regular education programs shall be reported.

(7) Documentation Requirements

Each school district shall maintain all documentation required under 603 CMR 10.08(2) and 10.12(5) in support of reported adult education or other regular education expenditures. In addition, each school district shall maintain class registration lists in all adult education or other regular education courses offered.

Financial Reporting and Documentation Requirements for Regular Day Programs

In this section we tell you that financial data for regular day programs should be reported and documented following the general requirements for financial reporting and documentation given in section 10.12 of these regulations.

10.18 FINANCIAL REPORTING AND DOCUMENTATION REQUIREMENTS: REGULAR DAY PROGRAMS

(1) Reporting Requirements

Each school district shall report direct educational costs not reported under 603 CMR 10.13 through 10.17 as regular day instructional costs in accordance with 603 CMR 10.12(2), 10.12(3) and 10.12(4).

(2) Documentation Requirements

Each school district shall maintain all documentation required under 603 CMR 10.12(5) in support of reported regular day program expenditures.

Financial Reporting and Documentation Requirements for Transportation

Here we address requirements for reporting and documenting financial data for transportation services. We specify the transportation services that you should report and the conditions under which transportation expenditures should be reported under special education. We also show you how to calculate transportation expenditures and amortization of motor vehicles.

10.19 FINANCIAL ACCOUNTING, REPORTING AND DOCUMENTATION REQUIREMENTS: TRANSPORTATION

(1) Reporting Requirements

(a) Expenditures for transportation and numbers of riders who are public and non-public school students, living at least one and one-half miles from school, transported once daily to and from school, and are enrolled in a regular day program, an approved vocational program within the school district, a special education program where the students' individualized education plan does not require special transportation services,

or a transitional bilingual education program shall be reported in accordance with G.L. c.71, s.7A, s.7B, s.16C and c.71A, s.8.

(b) Expenditures for transportation and numbers of riders who are public school students enrolled in a regular day program, approved vocational program, special education program, or transitional bilingual program and who are transported within a school district in order to reduce or eliminate racial imbalance and racial isolation shall be reported in accordance with G.L. c.15, s.11 and c.71, s.37D.

(c) Expenditures for transportation and numbers of riders shall be reported under special education only when a modified transportation service not normally provided for regular day students is specified in the student's individualized educational plan, in accordance with G.L. c.71B, s.14, and 603 CMR 28.800.

(d) Expenditures for transportation and numbers of riders shall be reported under special education for persons transported to approved Department of Mental Health facilities, in accordance with G.L. c.19, s.27, s.28.

(e) Expenditures for transportation incurred as a result of transporting a student with a temporary disability (e.g., broken leg, post-operative recovery) are not eligible to be reported for reimbursement under special education.

(f) Expenditures for transportation and numbers of riders who are students residing in one school district and transported to an approved vocational school in another school district shall be reported by the school district of residence, in accordance with G.L. c.74, s.8A.

(g) Expenditures for transportation and numbers of riders who are students enrolled in the agricultural schools maintained by the counties of Bristol, Essex, and Norfolk shall be reported, in accordance with G.L. c.74, s.31A.

(h) Expenditures for transportation and numbers of riders in federally funded educational programs shall be reported as federally funded transportation expenditures.

(i) Transportation expenditures and numbers of riders transported to and from schools of attendance shall be reported separately for those students transported one and one-half miles or more and those students transported less than one and one-half miles.

(j) Transportation expenditures for riders transported in school day excursions, co-curricular activities and activities such as athletic programs, student activities and field trips shall be reported separately. Records documenting the number of such riders must be maintained when the expenditures are calculated on a school bus operator contract based on transportation charges per rider.

(k) Except for shuttle transportation expenditures incurred in accordance with 603 CMR 10.19(1)(c), expenditures incurred for shuttle services to and from educational

programs are considered an extension of instructional programs and shall not be reported as transportation expenditures.

(2) Computation of Transportation Expenditures

(a) Each school district shall report the annual expenditure for contracted school transportation services as the annual contract cost.

(b) In determining the cost of leased bus-operated student transportation programs, each school district shall calculate the annual cost of leased bus services based on the cost of fuel, operation and common line maintenance of school buses; salaries of student transportation supervisors, school bus drivers and bus monitors; employee benefits; insurance programs; and other related leased bus expenditures.

(c) In determining the cost of municipally owned and regionally owned student transportation programs, each school district shall calculate the annual cost of these programs based on the cost of fuel, operation and maintenance expenditures; salaries of student transportation supervisors, school bus drivers and bus monitors; employee benefits; insurance programs; other related student transportation expenditures; and the annual amortization of cost of municipally owned and regionally owned school buses.

(3) Amortization of Motor Vehicles (7500) (7600)

(a) Motor vehicles used to transport students during the school year are subject to a five-year amortization schedule. Only the current year's amount of amortization shall be reported.

(b) Type I School Buses (holding 17 or more passengers), Type II School Buses (holding 16 or fewer passengers), vans and station wagons shall be amortized over five years at twenty percent per year.

(c) The following method shall be used to determine the adjusted basis of newly acquired motor vehicles purchased as the result of the trade-in or sale of a previously amortized motor vehicle:

Cost of Fixed Asset to be Traded - Amortization Allowed = Book Value

**Book Value + Cost of New Fixed Asset = Adjusted Basis of New Fixed Asset
Subject to Current Amortization**

(4) Documentation of Reported Expenditures for Student Transportation

Each school district shall maintain the following items in support of reported transportation data:

(a) Written school committee policy on school transportation;

- (b) Invitations to bid, bids and contracts which include schedules, routing, safety, efficiency, and financial data;
- (c) Records listing names and numbers of students transported;
- (d) Claims for reimbursement and financial reports filed with the Department of Education;
- (e) Expenditure documents, e.g., ledgers, warrants, bill schedules, invoices, purchase orders, payroll schedules and revenue ledgers;
- (f) Other municipal records, e.g., municipal accountant and treasurer records;
- (g) Categorical claims for reimbursement, e.g., special education and vocational education; and
- (h) Transportation routes and numbers of students assigned to buses.

Financial Accounting and Documentation Requirements for Expenditures by Other Municipal Agencies

This part (previously referred to as Schedule 19) shows you how to allocate and report expenditures for educational purposes by municipal agencies other than school committees. You will find requirements for: administrative services; media and library services; health services for public and non-public schools; transportation services for public and non-public schools; operation and maintenance of plant; employee retirement programs; insurance programs; rental/lease of buildings and equipment; interest and principal on short term debt; other fixed charges; civic activities; acquisition, improvement and replacement of fixed assets; acquisition and replacement of student transportation vehicles; interest and principal on long term debt; programs with other schools; and assessments to regional school district members. We include requirements for documenting the data that you report. Additionally, we give you the procedures to follow where these regulations allow alternative allocation methods, as well as when school and municipal officials disagree on the correct allocation and reporting of expenditures.

10.20 FINANCIAL ACCOUNTING AND DOCUMENTATION REQUIREMENTS: EXPENDITURES BY OTHER MUNICIPAL AGENCIES FOR EDUCATIONAL PURPOSES

(1) Only the following expenditures from local appropriations by a municipal agency other than the local school district which result in services directly related to the local school district shall be reported in total:

- (a) 1000 - Administrative Services: The cost of the municipal accounting, auditing, central data processing and central purchasing services if they are provided by the municipality. The cost shall be computed by multiplying (1) the total school committee appropriation divided by the total amount to be raised as determined by the

Department of Revenue on the tax rate recapitulation sheet, which is the total amount the municipality must spend for all services, by (2) the total cost of administrative services; OR by multiplying the number of students enrolled in the school district by the state-wide average cost per student of such services. The state-wide average cost shall be estimated by the Department of Education and reported to school and municipal officials by March 1 of the fiscal year preceding the fiscal year for which it is estimated.

School and municipal officials may agree on either of these two methods, subject to the provisions of 603 CMR 10.20(4). They may also agree on any other method that they deem appropriate, subject to the approval of the Commissioner of Education.

(b) 2500 - Educational Media Services - Library Services - Exclusive of Capital Outlay: The activities of librarians and catalogers, and the costs associated with cataloguing books, pamphlets, periodicals and other materials for use by school district students where there is an agreement between the school committee and the library board for specific services to be provided to students.

School and municipal officials shall include the method of allocation of costs in the agreement between the school committee and the library board for the provision of specific library services to district students.

(c) 3200 - Health Services: The salaries of health personnel who provide direct services or instruction to public school students or school department employees where there is an agreement between the school committee and the municipality for the provision of these services; related costs for supplies, materials and other direct expenditures in support of these services; and the salaries of public safety officers, on an hourly basis, who provide direct classroom instruction on alcohol and substance abuse and violence prevention where there is an agreement between the school committee and the municipality for the provision of these services.

(d) 3300 - Student Transportation Services: All costs incurred as a result of programs transporting students once daily to and from school.

(e) 4000 - Operation and Maintenance of Plant, including:

- 4110 - Custodial Services
- 4120 - Heating of School Buildings
- 4130 - Utility Services
- 4210 - Maintenance of School Grounds
- 4220 - Maintenance of School Buildings
- 4230 - Maintenance of School Equipment
- 4300 - Extraordinary Maintenance

The direct costs of salaries, supplies, materials and contractual expenses for the ordinary and extraordinary maintenance of school buildings and equipment. The services for school buildings must be provided within a school building or on school grounds. The costs of maintaining other public property, such as property directly

adjacent to school property, shall not be reported unless there is a specific agreement between the school committee and the municipality for the provision of these services.

(f) 5100 - Employee Retirement Programs: The actual costs of pensions paid to school department retirees or the actual costs of assessments paid to state, county or municipal retirement systems on account of school department employees or retirees, including any special assessments for early retirement incentive programs for school department employees.

The indirect costs of administering employee retirement programs shall be computed by multiplying (1) the costs of salaries and supplies for such administration by (2) the number of school department employees covered by the retirement system divided by the total number of municipal employees covered by the retirement system. Subject to the requirements of 603 CMR 10.20(4), school and municipal officials may agree on an alternative method of allocating these administrative costs with the approval of the Commissioner of Education.

(g) 5200 - Insurance Programs: The direct insurance premiums for school employees, buildings and grounds after deducting all employee contributions; contributions to self-insurance trust funds from the municipality's general fund. The indirect costs of administering insurance programs shall be computed by multiplying (1) the costs of salaries and supplies for such administration by (2) the number of school department employees covered by insurance divided by the total number of municipal employees covered by insurance. Subject to the requirements of 603 CMR 10.20(4), school and municipal officials may agree on an alternative method of allocating these administrative costs with the approval of the Commissioner of Education.

(h) 5250 - Insurance for Retired School Employees: The health insurance premiums for retired school department employees after deducting any retiree contributions; assessments for retired school department employees under G.L. c.32A.

(i) 5300 - Rental/Lease of Local Buildings and Equipment: Expenditures made under the terms of a lease or rental contract on behalf of the school district for buildings or equipment in accordance with G.L. c. 40. Such expenditures shall not include any lease/purchase agreements for buildings or non-instructional equipment.

(j) 5400 - Short Term Debt Service/Interest: Actual interest paid in borrowing for Revenue Anticipation Notes for school purposes, which shall be computed by multiplying (1) the total interest paid by the municipality by (2) the total school committee appropriation divided by the total amount to be raised as determined by the Department of Revenue on the tax rate recapitulation sheet.

(k) 5500 - Other Fixed Charges: Other items of a recurrent nature for school purposes which are not reported in 603 CMR 10.20(1)(f) through 10.20(1)(j); examples of these items include the direct costs of bank charges for school department accounts, the salaries of crossing guards, the costs of public safety inspections.

(l) 6800 - Health Services for Non-Public Schools: The salaries of health personnel who provide direct services which state law requires be provided to non-public students or non-public school employees and who make regularly scheduled visits to non-public schools for this purpose; related costs for supplies, materials and other direct expenditures in support of these services and other services provided in accordance with G.L. c. 71, s. 57.

(m) 6900 - Transportation Services for Non-Public Schools: The cost incurred in transporting students once daily to and from non-public schools in accordance with G.L. c. 76, s. 1.

(n) 7000 - Acquisition, Improvement and Replacement of Fixed Assets, including:

7100 - Acquisition and Improvement of School Sites

7200 - Acquisition and Improvement of School Buildings

7300 - Acquisition and Improvement of School Equipment

7400 - Replacement of School Equipment

Such costs shall be limited to specific appropriated items, including school building planning costs and lease/purchases of buildings or non-instructional equipment, that are intended to acquire a new asset, for major reconstruction projects as defined by 603 CMR 38.00, or for maintenance projects costing over twenty-five thousand dollars.

(o) 7500 & 7600 - Acquisition and Replacement of Student Transportation Vehicles: The actual cost of the vehicles and the allowed amortization consistent with 603 CMR 10.19(3).

(p) 8100 - Long Term Debt Retirement/School Construction: The principal of loans used to finance the purchase or construction of schools.

(q) 8200 - Long Term Debt Service/School Construction: The interest on bonds and loans used to finance the purchase or construction of schools.

(r) 8300 - Long Term Debt Retirement/Educational Expenditures: The principal of loans used to finance the purchase of books, instructional equipment, and extraordinary maintenance.

(s) 8400 - Long Term Debt Service/Educational Expenditures: The interest on bonds and loans used to finance the purchase of books, instructional equipment, and extraordinary maintenance.

(t) 8500 - Long Term Debt Retirement/Other: The principal of loans used to finance the purchase of other equipment, and to pay for capital maintenance projects in excess of twenty-five thousand dollars.

(u) 8600 - Long Term Debt Service/Other: The interest on bonds and loans used to finance the purchase of other equipment, and to pay for capital maintenance projects in

excess of twenty-five thousand dollars.

(v) 9000 - Programs with Other Schools including:

- 9100 - Programs with Other Districts in Massachusetts
- 9200 - Programs with Districts in Other States
- 9300 - Programs with Non-Public Schools
- 9400 - Payments to Collaboratives

The tuition for instructional programs for students and any assessments for the school choice program under the terms of G.L. c. 76, s. 12B.

(2) 9500 - Assessments to Regional School District Members: The payments appropriated and due according to regional school agreements and G.L. c. 70 shall be reported in total.

(3) Documentation Requirements

- (a) Each municipality shall maintain municipal payroll and expenditure warrants, cancelled checks, bid documents, contracts, paid invoices, books of original entry, employee schedules, and other supporting cost allocations that relate to the school district in support of all reported and estimated expenditures by other municipal agencies for educational purposes.
- (b) In addition, each school district shall maintain the lease contract, bid specifications and responses to the bid in support of expenditures reported in 603 CMR 10.20(1)(d).
- (c) In addition, each school district shall maintain deeds of school sites in support of expenditures reported in 603 CMR 10.20(1)(n).
- (d) In addition, each school district shall maintain evidence that tuition payments for special education, approved transitional bilingual education, approved vocational day, vocational evening and vocational evening practical arts meet the requirements specified in 603 CMR 10.14(7) and 10.20(1)(v).

(4) Allocation Methods

Each school district shall choose one allocation method where 603 CMR 10.20 offers alternatives, shall use this method consistently from year to year, and may change methods only with the approval of the Commissioner of Education. Where 603 CMR 10.20 allows school and municipal officials to use an allocation method of their own devise, they shall request and receive the approval of the Commissioner of Education before they put this method into use, and they shall use this method consistently from year to year and may change methods only upon the approval of the Commissioner.

(5) Resolution of Disputes

When school and municipal officials cannot agree on the correct reporting, allocation and documentation of expenditures by municipal agencies for educational purposes, either

party may appeal to the Commissioner of Education, who shall appoint a designee to conduct an informal hearing to encourage the parties to reach an agreement and to make a final determination if no agreement can be reached. The Commissioner of Education shall seek the advice and consultation of the Commissioner of Revenue (or designee) in this hearing.

Conduct of Audits and Appeals

Here we describe the criteria by which school districts may be selected for audits, the procedures by which the audits will be conducted, and the procedures by which appeals will be conducted.

10.21 CONDUCT OF AUDITS OF REPORTED STUDENT AND FINANCIAL DATA

(1) Audits of reported data may be conducted to ascertain whether student and financial data reported by the school district are accurately presented, to ensure that the school district is complying with the applicable laws and regulations governing school district financial operations, and to determine whether the school district is maintaining effective controls over revenues, expenditures, assets, and liabilities.

(2) The auditors shall make all judgments, conclusions, and recommendations in accordance with the documentation requirements contained in 603 CMR 10.03 through 10.20.

(3) The Department of Education, within its discretion, may audit all or part of a school district's reported student and financial data. Auditors shall exercise professional standards included in "Standards for Audit of Governmental Organizations, Programs, Activities and Functions" adopted by the Comptroller General of the United States.

(4) School districts may be selected for an audit according to a variety of criteria, including but not limited to: the proportion which the total enrollment in each program relative to the total enrollment in all programs; the percentage change in the proportional enrollment in each program from the prior fiscal year; the appearance of possible irregularity in reported student and financial data; time since last audit; or at the request of a Department of Education program administrator.

(5) School districts shall be notified via certified mail return receipt requested by the Department of Education that they have been selected for audit at least 15 working days prior to the initiation of an audit.

(6) Representatives of the school district shall take reasonable steps to cooperate with the Department of Education in the scheduling and conduct of audits. If a school district fails to comply with Department requests for documentation within ten working days, the Department will consider the reported data in question to be unsupported and shall take the necessary actions.

(7) An exit interview shall be held with the appropriate officials of the school district to explain any actions taken as a result of the audit finding. The exit interview shall provide a forum for appropriate Department of Education and school district personnel to discuss findings, judgments, conclusions, and recommendations. Following the exit interview, a written audit report shall be submitted within 20 working days via certified mail return receipt requested to the school district superintendent. Unless restricted by statute or regulation, copies will also be made available for public inspection. The audit report may be used to adjust school aid or local contribution requirement calculations.

(8) (a) All appeals requests shall be made in writing and addressed to the Commissioner of Education, Massachusetts Department of Education, 350 Main Street, Malden MA 02148, and must be received by the Commissioner's office within ten days after receipt of the written audit report by the school district.

(b) The request for appeal shall include:

1. A statement of the issues being appealed, with appropriate supporting documentation;
2. Copies of all documents, correspondence, data, exhibits and other information which the school district intends to introduce in support of its position; and
3. A list of witnesses whose testimony will be introduced.

Copies of the above materials shall be submitted in triplicate.

(c) The Department of Education shall make available to each school district at reasonable times and places public records of the Department pertaining to the review and/or appeal.

(d) The Commissioner shall act as or designate a hearing officer for the purpose of conducting the hearing.

(e) Within ten working days after receipt of a request for a hearing, the hearing officer shall hold a hearing on the record and shall review the written audit report.

(f) The hearing officer shall notify the school district of the time and location of the hearing. Such notification shall be provided at least five working days before the scheduled hearing.

(g) A school district may be represented before the hearing officer by its chief executive officer or other employee duly authorized to appear, or by an attorney. When represented by an attorney, his/her name and post office address must be endorsed upon each document submitted by the school district.

(h) The school district may waive oral presentation before the hearing officer and request a decision based solely on the documents filed, provided that the hearing officer may request further written clarification of the documents in question. If oral presentation is elected, the hearing officer may regulate the time allotted for testimony.

(i) The hearing shall be convened by the hearing officer at the time and place previously established. The hearing officer shall have authority to:

1. Rule upon offers of proof and receive relevant evidence.
2. Regulate the course of the hearing.
3. Dispose of procedural requests of similar matters.
4. Reach a final decision on the issue(s) raised by the school district.

(j) The hearing officer need not observe the rules of evidence observed by courts and shall admit as proof only reasonable and substantial evidence. The hearing officer may exclude irrelevant or unduly repetitious evidence. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses that testify, and to submit rebuttal evidence. The hearing officer may also introduce exhibits and testimony and cross-examine witnesses. All testimony, evidence and exhibits introduced at the hearing shall constitute the exclusive record for decision.

(k) No later than 20 working days after the hearing, the hearing officer shall issue a written decision, including a statement of reasons on which the decision is based and a determination of each issue necessary to the decision. If the hearing officer sustains the school district's appeal, he/she shall rescind the written audit report and make any other appropriate order.

(l) The decision of the hearing officer shall be final.

(9) The audit report and related work papers shall be maintained by the Department of Education in accordance with G.L. c. 30, s.42, and school districts shall retain all documentation required under 603 CMR 10.00 for at least seven years or until the conclusion of any appeal of the audit findings, whichever is longer.

Reporting of Prior Year and Current Year Spending and Revenues

Requirements for the reporting of the prior and current year spending and revenues are given here. We identify the actions that school districts and the Department of Education must take when districts spend less than the required amount determined by the foundation budget formula. You will find the procedures for reporting financial data and the items that are included in the Department's calculation of net school spending.

10.22 REPORTING OF PRIOR YEAR AND CURRENT YEAR SPENDING AND REVENUES

(1) Each city, town and regional school district shall submit the annual End-of-Year Pupil and Financial Report to the Commissioner of Education on or before September 15 of each year. The Commissioner may grant extensions to this deadline at the written request of a school superintendent.

(2) Cities, towns and regional school districts shall file any corrections to the annual End-of-Year Pupil and Financial Report as soon as they become aware of any errors or omissions in the information reported. Such corrections may be filed until June 30 of the next year, but must be filed by December 15 of the reporting year in order to affect the next year's state aid and required local contribution calculations. Any corrections to the End-of-Pupil and Financial Report so filed are subject to on-site verification by the Department of Education, and may be rejected if not supported by proper documentation.

(3) Cities, towns and regional school districts shall file an amendment to the annual End-of-Year Pupil and Financial Report indicating any supplemental appropriations for the current school year. Such amendments shall be filed within thirty days of the vote approving any such supplemental appropriations.

(4) The actual expenditures and revenues of the prior fiscal year and the estimated expenditures and revenues of the current fiscal year shall be reported in the form prescribed by the Commissioner of Education and in accordance with generally accepted accounting principles prescribed by the Commissioner of Revenue.

(5) The actual and estimated expenditures and revenues shall be reported in accordance with 603 CMR 10.00. The Commissioner of Education may request supporting documentation in cases of unusually large increases or decreases in actual or estimated expenditures or revenues from the previous reporting period and may supply his own determination where the documentation is not forthcoming or does not support the expenditures or revenues.

(6) The Commissioner of Education may request cities, towns and regional school districts to submit the estimated expenditures and revenues of the current year before the date for submitting the End-of-Year Pupil and Financial Report.

(7) The Commissioner of Education shall calculate the actual net school spending in the prior fiscal year and the estimated net school spending in the current year from information contained in the End-of-Year Pupil and Financial Report.

(8) Net school spending shall be composed of:

- 1000 - All Administrative Services
- 2000 - All Instructional Services
- 3100 - Attendance Services
- 3200 - Health Services
- 3400 - Food Services not including the cost of food
- 3510 - Athletic Services
- 3520 - Other Student Activities
- 4000 - All Operation and Maintenance of Plant
- 5100 - Employee Retirement
- 5200 - Insurance Programs
- 5300 - Rental-Lease of Land, Buildings and Equipment
- 5400 - Short Term Debt Service/Interest
- 8300 - Long Term Debt Retirement/Educational Expenditures

- 9100 - Programs with Other Districts in Massachusetts
- 9200 - Programs with School Districts in Other States
- 9300 - Programs with Schools Other than Public Schools
- 9400 - Payments to Collaboratives

(9) Net school spending shall not include any of the above items expended for evening programs, adult programs and vacation programs, as defined in 603 CMR 10.02. Spending for the items specified in 603 CMR 10.22(8) shall be reduced by the school district's general fund receipts for tuition, earnings on investments by regional school districts, rental fees for the use of school buildings and other General Fund revenues that support net school spending.

(10) The Commissioner of Education shall compare each school district's actual net school spending in the prior fiscal year with the net school spending required by G.L. c.70, s.6. For the purposes of this calculation, the estimated General Fund receipts and the estimated expenditures by other municipal agencies for educational purposes in the prior year shall be deemed to be the actual receipts and expenditures except in the case of the actual expenditures by other municipal agencies for employee retirement, insurance programs, and debt service on current loans.

(11) If the actual net school spending in the prior fiscal year meets or exceeds the required net school spending as determined by G.L. c. 70, s. 6, the school district shall be deemed to have met its obligations under the terms of the statute.

(12) If the actual net school spending in the prior fiscal year is less than the required net school spending as determined by G.L. c. 70, s. 6 but is greater than or equal to 95 percent of the required amount, the difference between the actual and the required amount shall be added to the required net school spending in the current fiscal year and shall be spent by the school committee or other municipal agency for any of the categories included in the definition of net school spending.

(13) If the actual net school spending in the prior fiscal year is less than 95 percent of the required net school spending as determined by G.L. c. 70, s. 6, five percent of the required amount shall be added to the required net school spending in the current fiscal year and shall be spent by the school committee or other municipal agency for any of the categories included in the definition of net school spending. The difference between the actual net school spending and 95 percent of the required net school spending shall be deducted from the Chapter 70 distribution of the district in the current year but shall not affect the required amount of net school spending, including any prior year deficiencies, in the current year. The Commissioner of Revenue and the Treasurer shall make this deduction at the request of the Commissioner of Education at a time determined by the Commissioner of Revenue.

(14) If, in any year when a district has been ordered to increase its required net school spending because of prior year deficiencies, the district's actual net school spending is less than the required net school spending, the difference between the actual net school spending and the required net school spending shall be deducted from the Chapter 70 distribution of the district in the current year but shall not affect the required amount of

net school spending, including any prior year deficiencies, in the current year. The Commissioner of Revenue and the Treasurer shall make this deduction at the request of the Commissioner of Education at a time determined by the Commissioner of Revenue.

(15) The Commissioner of Education shall notify school superintendents and municipal officials of any prior year spending deficiency within thirty days after the submission of the End-of-Year Pupil and Financial Report. The deficiencies required to be added to the current year's net school spending shall be reserved by the municipal accountant or regional school treasurer and shall be made available without appropriation.

Examples of Computations of Formulas (Appendix I)

Examples to illustrate the computation of formulas regarding full-time equivalency and net school spending are provided here.

10.98 APPENDIX I: EXAMPLES OF COMPUTATION OF FORMULAS

A. Full-Time Equivalency: Students Enrolled in Only One Program or Prototype (Part or Entire School Year)

Example 1

A student is enrolled in a regular education program in an elementary school in a school district for the entire school year. The student's program is 5 1/4 hours per day, which is the usual length of the school day for this school district's elementary students. The length of the elementary school year in this district is 182 days.

Regular Day Full-Time Equivalency =
(603 CMR 10.03(2))

$\frac{\text{time scheduled for program per week}}{\text{length of school week}}$	X	$\frac{\text{days in membership}}{\text{length of school year}}$	=	
$\frac{5 \frac{1}{4} \text{ hours per day} \times 5 \text{ days}}{5 \frac{1}{4} \text{ hours per day} \times 5 \text{ days}}$	X	$\frac{182 \text{ days}}{182 \text{ days}}$	=	
$\frac{26 \frac{1}{4} \text{ hours}}{26 \frac{1}{4} \text{ hours}}$	X	$\frac{182 \text{ days}}{182 \text{ days}}$	=	1.0

Example 2

A student is enrolled in a high school regular education program in a local school district for 64 school days. The length of the student's program is 30 hours per week, the usual length of the program week for this district's high school. The length of the high school year is 180 days. The student subsequently transfers to another town and attends a regular education program at the regional high school for 118 school days. The length of the student's program at this second high school is 32 hours per week, the usual length of the program week for this regional high school, and the length of the school year is 182 days.

Each school district shall report its appropriate regular day full-time equivalency for this student as follows:

For the Local School District:

Regular Day Full-Time Equivalency =
(603 CMR 10.03(2))

<u>time scheduled for program per week</u> length of school week	X	<u>days in membership</u> length of school year	=	
<u>30 hours per week</u> 30 hours per week	X	<u>64 days</u> 180 days	=	0.36

For the Regional School District:

Regular Day Full-Time Equivalency =
(603 CMR 10.03(2))

<u>time scheduled for program per week</u> length of school week	X	<u>days in membership</u> length of school year	=	
<u>32 hours per week</u> 32 hours per week	X	<u>118 days</u> 182 days	=	0.65

Example 3

A special needs elementary student in program prototype 502.4 (substantially separate) receives all of his/her instruction in a special education classroom. This student's individualized educational plan specifies that the student only attend classes for 3 hours per day. The length of the normal elementary program is 5 hours per day. The student is enrolled for the entire school year of 180 days.

Special Education Full Time Equivalency =
(603 CMR 10.04(1)(b))

<u>hours of direct special</u> <u>education instruction per week</u> length of individual student program per week	X	<u>days in membership</u> length of school year	=	
<u>3 hours per day X 5 days</u> 3 hours per day X 5 days	X	<u>180 days</u> 180 days	=	
<u>15 hours</u> 15 hours	X	<u>180 days</u> 180 days	=	1.0

Example 4

An elementary school student is enrolled in a school district for the entire school year of 180 days. The length of this student's regular program is 5 hours per day, the usual length

of the school day for elementary students in this district. The student was enrolled in a regular education program for 140 school days prior to an injury which resulted in 2 months of hospitalization. Five school days after the injury occurred, this student was enrolled in special education program prototype 502.7 (home and hospital). The student received one hour of instruction per school day for the remainder of the school year from a regular education teacher.

For the first 145 school days(140 days prior to injury plus 5 days prior to commencement of services under special education program prototype 502.7):

Regular Day Full-Time Equivalency =
(603 CMR 10.03(2))

<u>time scheduled for program per week</u> length of school week	X	<u>days in membership</u> length of school year	=	
<u>5 hours per day X 5 days</u> 5 hours per day X 5 days	X	<u>145 days</u> 180 days	=	
<u>25 hours</u> 25 hours	X	<u>145 days</u> 180 days	=	0.81

For the remaining 35 school days (after commencement of services under special education program prototype 502.7):

Special Education Full-Time Equivalency =
(603 CMR 10.04(1)(d))

<u>hours of direct special</u> <u>education instruction per week</u> length of individual student program per week	X	<u>days in membership</u> length of school year	=	
<u>1 hour per day X 5 days</u> 5 hours per day X 5 days	X	<u>35 days</u> 180 days	=	
<u>5 hours</u> 25 hours	X	<u>35 days</u> 180 days	=	0.04

Example 5

A special needs student in program prototype 502.6 (residential) is enrolled in an approved private school for an entire calendar year (365 days). In the determination of the "days in membership," weekend days, holidays and vacation days are excluded. In this example, 104 weekend days, 13 holidays and 25 vacation days are subtracted from 365 days to determine the "days in membership" of 213 days. The length of the school year of the sending school district is 180 days.

Special Education Full-Time Equivalency =
(603 CMR 10.04(1)(c))

$$\frac{\text{days in membership}}{\text{length of school year}} = \frac{213 \text{ days}}{180 \text{ days}} = 1.18$$

Example 6

A special needs four-year-old student is enrolled in program prototype 502.8 (pre-school program for children ages 3 and 4) for 90 school days, one-half of the length of the 180-day school year. The length of this student's program as specified in the individualized educational plan is 3 days a week for 3 hours each day.

Since this student's program is 9 hours per week (3 hours per day times 3 days), formula (a) is used.

Special Education Full-Time Equivalency =
(603 CMR 10.04(1)(e))

$$0.5 \quad \times \quad \frac{\text{days in membership}}{\text{length of school year}} =$$

$$0.5 \quad \times \quad \frac{90 \text{ days}}{180 \text{ days}} = 0.25$$

Example 7

A student is enrolled in a full-time approved vocational program in a regional vocational technical high school for 160 days. The length of the school year in this district is 187 days. Prior to being enrolled in this program, the student was enrolled in a local school district high school regular day program for 24 days. The length of this school's school year is 181 days. The student's program in the local school district high school was 5 3/4 hours each day, the usual length of the program.

Each school district shall report its appropriate full-time equivalency for this student as follows:

For the Local School District:

Regular Day Full-Time Equivalency =
(603 CMR 10.03(2))

$$\frac{\text{time scheduled for program per week}}{\text{length of school week}} \times \frac{\text{days in membership}}{\text{length of school year}} =$$

$$\frac{5 \frac{3}{4} \text{ hours per day} \times 5 \text{ days}}{5 \frac{3}{4} \text{ hours per day} \times 5 \text{ days}} \times \frac{24 \text{ days}}{181 \text{ days}} =$$

$$\frac{28 \frac{3}{4} \text{ hours}}{28 \frac{3}{4} \text{ hours}} \times \frac{24 \text{ days}}{181 \text{ days}} = 0.13$$

For the Regional Vocational District:

Vocational Day Full-Time Equivalency =
(603 CMR 10.05(1)(a))

$$\frac{\text{days in membership}}{\text{length of school year}} = \frac{160 \text{ days}}{180 \text{ days}} = 0.89$$

B. Full-Time Equivalency: Students Enrolled in Multiple Programs

Example 1

A special needs elementary student is enrolled in special education program prototype 502.1 for the entire school year of 180 days. This student's individualized educational plan requires 1/2 hour of special education instruction each day in the regular classroom by a teacher aide under the direct supervision of a certified special education teacher and 1 hour each day of parent-student instruction after the close of the normal school day, which is 5 hours in length. In addition, the regular classroom teacher spends approximately 2 hours per week with a special education certified generic teacher designing modifications to the regular classroom presentations in order to benefit this specific student.

The time spent by the regular classroom teacher in modifying his or her program to directly benefit special needs students does not affect the full-time equivalency calculation for special education. The full-time equivalency calculation only includes the time the student spends with the special education teacher aide and the time spent in parent-student instruction.

Each school district has the option of using either of the formulas below for each of its special education program prototype 502.1 students. Whichever one is chosen, the equivalent formula should be used in computing the regular day full-time equivalency.

Special Education Full-Time Equivalency =
(603 CMR 10.04(1)(a))

Option 1

$$0.1 \quad \times \quad \frac{\text{days in membership}}{\text{length of school year}} =$$

$$0.1 \quad \times \quad \frac{180 \text{ days}}{180 \text{ days}} = 0.1$$

OR

Option 2

hours of direct special <u>education instruction per week</u> length of individual student program per week	X	<u>days in membership</u> length of school year	=	
<u>1 1/2 hours per day X 5 days</u> 6 hours per day X 5 days	X	<u>180 days</u> 180 days	=	
<u>7 1/2 hours</u> 30 hours	X	<u>180 days</u> 180 days	=	0.25

*Regular Day Full-Time Equivalency =
Option 1*

(1.0 - 0.1)	X	<u>days in membership</u> length of school year	=	
0.9	X	<u>180 days</u> 180 days	=	0.9

OR

Option 2

<u>time scheduled for program per week</u> length of individual student program per week	X	<u>days in membership</u> length of school year	=	
<u>4 1/2 hours per day X 5 days</u> 6 hours per day X 5 days	X	<u>180 days</u> 180 days	=	
<u>22 1/2 hours</u> 30 hours	X	<u>180 days</u> 180 days	=	0.75

Example 2

A student is enrolled in a regular day program for the entire length of the school year of 181 days. After 20 school days the student is enrolled in a special education program prototype 502.2 (TEAM evaluation having been completed). For the remaining 161 school days the student receives special education instruction 5 hours each week in a resource room, and 22 hours of regular day program instruction in the regular classroom. The length of the regular day program is 27 hours each week for this school district.

Special Education Full-Time Equivalency =
(603 CMR 10.04(1)(b))

hours of direct special <u>education instruction per week</u> length of individual student program per week	X	<u>days in membership</u> length of school year	=	
<u>5 hours per week</u> 27 hours per week	X	<u>161 days</u> 181 days	=	0.16

Regular Day Full-Time Equivalency =
(603 CMR 10.03(2))

Regular Day Full-Time Equivalency + Regular Day Full-Time Equivalency
for the first 20 days for the remaining 161 days

For the first 20 days:

<u>time scheduled for program per week</u> length of school week	X	<u>days in membership</u> length of school year	=	
<u>27 hours per week</u> 27 hours per week	X	<u>20 days</u> 181 days	=	0.11

For the remaining 161 days:

<u>time scheduled for program per week</u> length of individual student program per week	X	<u>days in membership</u> length of school year	=	
<u>22 hours per week</u> 27 hours per week	X	<u>161 days</u> 181 days	=	0.73

Total Regular Day Full-Time Equivalency = 0.11 + 0.73 = 0.84

Example 3

A student attends an academic high school in a local school district for the length of the school day (5 1/2 hours per day) for the length of the entire school year (180 days). In addition, the same student attends an approved vocational program in a regional vocational high school for the length of its entire school year of 184 days. The approved vocational education program consists of shop courses and is conducted for only 3 hours per day after the close of the regular school day.

Each school district shall report its appropriate full-time equivalency for this student as follows:

For the Local School District:

Regular Day Full-Time Equivalency =
(603 CMR 10.03(2))

$$\begin{array}{rclcl} \frac{\text{time scheduled for program per week}}{\text{length of school week}} & \times & \frac{\text{days in membership}}{\text{length of school year}} & = & \\ 27 \frac{1}{2} \text{ hours} & \times & \frac{180 \text{ days}}{180 \text{ days}} & = & 1.0 \end{array}$$

For the Regional Vocational School District:

Vocational Day Full-Time Equivalency =
(603 CMR 10.05(1)(b))

$$\begin{array}{rclcl} 0.5 & \times & \frac{\text{days in membership}}{\text{length of school year}} & = & \\ 0.5 & \times & \frac{184 \text{ days}}{184 \text{ days}} & = & 0.5 \end{array}$$

Example 4

A student is enrolled for the length of the school year in a half-time academic program at a high school for 3 hours during the morning, and then is enrolled for the length of the school year in a half-time approved vocational education program at a regional vocational technical high school for 3 hours during the afternoon. The length of the local district school year is 181 days. The length of the vocational district school year is 184 days. The length of the school week at the academic high school is 28 hours per week.

Each school district shall report its appropriate full-time equivalency for this student as follows:

For the Vocational School District:

Vocational Day Full-Time Equivalency =
(603 CMR 10.05(1)(c))

$$\begin{array}{rclcl} 0.5 & \times & \frac{\text{days in membership}}{\text{length of school year}} & = & \\ 0.5 & \times & \frac{184 \text{ days}}{184 \text{ days}} & = & 0.5 \end{array}$$

For the Local School District:

Regular Day Full-Time Equivalency =
(603 CMR 10.03(2))

<u>time scheduled for program per week</u> length of school week	X	<u>days in membership</u> length of school year	=	
<u>3 hours per day X 5 days per week</u> 28 hours per week	X	<u>181 days</u> 181 days	=	0.54

Example 5

An elementary school student is enrolled in an approved transitional bilingual education program for the entire length of the school year of 180 days. The length of the student's program is 10 hours per week of direct transitional bilingual education instruction and 18 hours per week of instruction in the regular day program.

Transitional Bilingual Education Full-Time Equivalency =
(603 CMR 10.07(1))

hours of direct transitional bilingual <u>education instruction per week</u> length of individual student program per week	X	<u>days in membership</u> length of school year	=	
<u>10 hours per week</u> 28 hours per week	X	<u>180 days</u> 180 days	=	0.36

Regular Day Full-Time Equivalency =
(603 CMR 10.03(2))

<u>time scheduled for program per week</u> length of school week	X	<u>days in membership</u> length of school year	=	
<u>18 hours per week</u> 28 hours per week	X	<u>180 days</u> 180 days	=	0.64

Example 6

A kindergarten student is enrolled in special education program prototype 502.2 for the entire length of the school year of 181 days. This student's individualized educational plan requires 1/2 hour of special education instruction in a resource room with a special education teacher each day. The remainder of the student's program of 2 hours per day is spent in the regular kindergarten classroom and is conducted by a regular classroom teacher.

Since the length of this student's total program is 2 1/2 hours per day (1/2 hour of special

education and 2 hours of regular day education) or 12 1/2 hours per week, this student's special education full-time equivalency will be computed using the formula in 603 CMR 10.04(1)(b) as modified by 603 CMR 10.04(1)(h)(2).

Special Education Full-Time Equivalency =

hours of direct special education instruction per week length of individual student program per week	X	days in membership length of school year	X	0.5	=
<u>1/2 hour per day X 5 days</u> 2 1/2 hours per day X 5 days	X	<u>181 days</u> 181 days	X	0.5	=
<u>2 1/2 hours</u> 12 1/2 hours	X	<u>181 days</u> 181 days	X	0.5	= 0.10

Regular Day Full-Time Equivalency =
(603 CMR 10.03(2))

hours of regular day program instruction per week length of individual student program per week	X	days in membership length of school year	=
<u>2 hours per day X 5 days</u> 2 1/2 hours per day X 5 days	X	<u>181 days</u> 181 days	=
<u>10 hours</u> 12 1/2 hours	X	<u>181 days</u> 181 days	= 0.80

C. Net School Spending

Example 1

A school district spends 97% of the required net school spending in FY94. Three percent of the required amount for FY94 is added to the required net school spending for FY95. (603 CMR 10.22(10))

Example 2

A school district spends 93% of the required net school spending in FY94. Five percent of the required amount for FY94 is added to the required net school spending for FY95, and two percent of the required amount for FY94 is deducted from the state school aid distribution for FY95 as a penalty. (603 CMR 10.22(11))

Example 3

In FY94, with its required net school spending set at \$1,000,000, a school district spends \$960,000 (96%). In FY95, the required net school spending is set at \$1.1 million plus the \$40,000 carryover from the prior year, totalling \$1,140,000. However, in FY95 the district only spends \$1,078,000, or 98% of the new required amount. Therefore, the FY95 deficiency of \$62,000 is added to the required amount for FY96 AND \$62,000 is deducted from the FY96 state school aid distribution as a penalty. (603 CMR 10.22(12))

Criteria for Reporting Functional Expenditures (Appendix II)

This appendix specifies the criteria for reporting various functional categories of expenditures and gives the specific items which should be reported under these categories.

10.99 APPENDIX II: CRITERIA FOR REPORTING FUNCTIONAL EXPENDITURES

1000 ADMINISTRATION

Those activities which have as their purpose the general direction, execution, and control of the affairs of the school district that are systemwide and not confined to one school, subject, or narrow phase of school activity.

- . Salaries, professional, clerical, support staff
- . Supplies and materials
- . Travel expenses
- . Legal services
- . Dues and subscriptions

2000 INSTRUCTIONAL SERVICES

Instructional activities involving the teaching of students, supervising of staff, and developing and utilizing curriculum materials and related services.

- . 2100 Supervision
 - . Salaries, professional
 - . Supervisors of teachers and instructional personnel
 - . Supervisors of special education, occupational education, transitional bilingual education and other instructional programs
 - . Department chairpersons
 - . Curriculum directors
 - . Salaries or the prorated share of salaries, clerical and support staff
 - . Supervisors' supplies and materials
 - . Dues and subscriptions
 - . Travel expenses
 - . Contracted services

2200 Principal's Office

- . Salaries, professional
 - . School principals and assistants
 - . Headmasters
- . Salaries or the prorated share of salaries, clerical and support staff
- . Principal's office supplies and materials
- . Dues and subscriptions
- . Travel Expenses

2300 Teaching Services

- . Salaries, teachers
- . Salaries, teacher aides
- . Salaries or the prorated share of salaries, clerical and support staff
- . Teaching supplies and materials
- . Travel Expenses
- . Contracted services
- . Field and shuttle trips

2350 Professional Development

- . Salaries, full-time directors of professional development or the pro-rated share of the salaries of instructional supervisors, teachers, librarians, audio-visual specialists, guidance counselors, school psychologists or educational television specialists who spend one-half or more of their time providing professional development
- . Salaries, teachers, librarians, audio-visual specialists, guidance counselors, school psychologists or educational television specialists who participate in in-service days beyond the contractual number of days of instruction where at least fifty percent of the day is devoted to professional development
- . Salaries or the pro-rated share of salaries, clerical and support staff working on professional development activities
- . Salaries, staff substituting for teachers who are participating in professional development activities
- . Stipends, professional staff providing or receiving professional development services beyond the regular length of the school day
- . Professional development supplies and materials
- . Dues and subscriptions
- . Travel expenses
- . Tuition and/or conference fees
- . Contracted expenses

2400 Textbook Programs

- . Textbooks
- . Binding and repairs of textbooks
- . Printed instructional materials
- . Instructional equipment used to support instructional activities as defined in 2000 above
- . Other equipment having a useful life of more than one year and an acquisition cost of less than or equal to the amount set by the Department of Education in defining

materials and equipment in its latest policy/procedural statement for grants administered by the agency

2500 Library Services

- . Salaries, librarians and assistant librarians
- . Salaries or the prorated share of salaries, clerical and support staff
- . Library books, periodicals, and other library related materials
- . Library supplies and materials
- . Travel expenses

2600 Audio-Visual Services

- . Salaries, audio-visual directors and specialists
- . Salaries or the prorated share of salaries, clerical and support staff
- . Films, tapes, phonographic recordings, slides, and other audio-visual materials
- . Audio-visual supplies and materials
- . Repairs of films, tapes, phonographic records, slides and other audio-visual materials
- . Dues and subscriptions
- . Travel expenses

2700 Guidance Services

- . Salaries, guidance counselors, school adjustment counselors, and social workers
- . Salaries or the prorated share of salaries, clerical and support staff
- . Supplies and materials
- . Reference materials
- . Testing materials
- . Contracted services
- . Travel expenses

2800 Psychological Services

- . Salaries, school psychologists, and psychometrists and assistants
- . Salaries or the prorated share of salaries, clerical and support staff
- . Supplies and materials
- . Subscriptions
- . Testing materials
- . Contracted services, including independent evaluation
- . Travel expenses

2900 Educational Television

- . Salaries, educational television directors, instructional staff, projectionists, writers, and camera operators
- . Salaries or the prorated share of salaries, clerical and support staff
- . Films, video tapes and complete television programs
- . Supplies and materials
- . Subscriptions
- . Contracted services
- . Travel expenses

3000 OTHER SCHOOL SERVICES

Services provided for students other than instructional services.

3100 Attendance Services

- . Salaries, attendance officers and assistants
- . Salaries or the prorated share of salaries, clerical and support staff
- . Supplies and materials
- . Travel expenses
- . Investigatory services
- . Census costs

3200 Health Services

- . Salaries, school physicians and school nurses
- . Salaries or the prorated share of salaries, clerical and support staff
- . School medical supplies
- . Office supplies and materials
- . Travel expenses
- . Contracted services

3300 Student Transportation Services

- . Salaries, student transportation supervisors, dispatchers, school bus drivers, and school bus maintenance personnel
- . Salaries or the prorated share of salaries, clerical and support staff
- . Fuel, lubrication, tires, and school bus maintenance
- . Contracted services
- . Insurance premiums for student transportation services
- . School bus monitors

3400 Food Services

- . Salaries, school lunch supervisors, food preparers, kitchen personnel, and aides
- . Food and supplies
- . Salaries or the prorated share of salaries, clerical and support staff
- . Contracted services
- . Subscriptions
- . Travel expenses

3510 Athletic Services

- . Salaries, coaches, trainers, and assistants in intramural and interscholastic sports
- . Contracted services
- . Transportation services for students
- . Athletic rental services
- . Uniforms
- . Athletic supplies and materials
- . Subscriptions
- . Travel expenses for staff

3520 Other Student Activities

- . Salaries, musical directors, drama coaches, and other extra-curricular personnel
- . Salaries or the prorated share of salaries, clerical and support staff
- . Printing
- . Subscriptions
- . Supplies and materials
- . Transportation services for students
- . Travel expenses for staff

4000 OPERATION & MAINTENANCE OF PLANT

Housekeeping activities relating to the physical plant and maintenance activities for grounds, buildings, and equipment.

4110 Custodial Services

- . Salaries, custodians, janitors, firefighters, engineers, elevator operators, and truck drivers
- . Custodial supplies and materials
- . Travel expenses
- . Contracted services

4120 Heating of Buildings

- . Cost of coal, fuel oil, electricity, gas, steam and wood
- . Contracted services

4130 Utility Services

- . Cost of water, sewage disposal, electricity, telephone services and non-heating fuels
- . Contracted services

4210 Maintenance of Grounds

- . Salaries, grounds keepers, equipment operators and aides
- . Supplies and materials
- . Contracted services
- . Travel expenses for staff
- . Tools

4220 Maintenance of Buildings

- . Salaries, building maintenance, personnel and aides
- . Supplies and materials
- . Travel expenses for staff
- . Contracted services
- . Tools

4230 Maintenance of Equipment

- . Salaries, equipment, repair persons and aides
- . Supplies and materials
- . Equipment parts

- . Tools
- . Travel expenses
- . Contracted services

5000 FIXED CHARGES

Retirement and insurance programs, rental of land and buildings, debt service for current loans, and other recurring items, which are not generally provided for under another function.

- . 5100 Employee Retirement
 - . Contributions to employee retirement systems
 - . Social Security contributions
 - . Contributions to pension plans
 - . Medicaid contributions
- . 5200 Insurance Programs
 - . Insurance premiums for property, fire, liability, fidelity bonds
 - . Employee unemployment, health, and life insurance premiums, and workers' compensation
 - . Judgments against the school district resulting from self-insurance
- . 5250 Insurance for Retired School Employees
 - . Health insurance premiums for retired school employees
- . 5300 Rental-Lease of Land, Buildings and Equipment
 - . Annual rental cost of land, buildings and equipment
 - . Annual lease cost of land, buildings and equipment
- . 5400 Debt Service (Interest) on Current Loans
 - . Annual interest charge on borrowing for school purposes with a term of one year or less

6000 COMMUNITY SERVICES

Services provided by the school district for the community as a whole, or some segment of the community, excluding public school and adult education programs operated by the school system.

- . 6200 Civic Activities
 - . Citizens' meetings
 - . Parent-teacher-student association activities
 - . Public forums and lectures
 - . School Council meetings and activities
 - . Adult Education Advisory Council meetings
 - . Transitional bilingual education program Parent Advisory Council meetings

- . 6300 Recreation Services
 - . Public recreation programs

- . 6800 Health Services to Non-Public Schools
 - . Salaries, physicians and nurses
 - . Medical supplies and materials
 - . Travel expenses
 - . Salaries or the prorated share of salaries, clerical and staff support
 - . Contracted services

- . 6900 Transportation Services to Non-Public Schools
 - . Salaries, student transportation supervisors, dispatchers, school bus drivers, school bus maintenance personnel
 - . Salaries or the prorated share of salaries, clerical and support staff
 - . Fuel, lubrication, tires and school bus repairs
 - . Contracted service
 - . Insurance premiums
 - . School bus monitors

7000 ACQUISITION, IMPROVEMENT AND REPLACEMENT OF FIXED ASSETS

Acquisition of land or existing buildings, improvements of grounds, construction of buildings, additions to buildings, remodeling of buildings, or acquisition of initial or additional equipment.

- . 7100 Acquisition and Improvement of Sites
 - . Purchase of school building sites
 - . Improvement of school building sites
 - . Grading, landscaping, sewers, storm drains, retaining walls, and surfacing

- . 7200 Acquisition and Improvement of Buildings
 - . Construction of buildings
 - . Acquisition of existing buildings
 - . Additions to existing buildings
 - . Acquisitions of portable school buildings
 - . Rehabilitation of school buildings

- . 7300 Acquisition and Improvement of Equipment
 - . Acquisition of new, non-instructional school equipment having a useful life of more than one year and an acquisition cost of more than the amount set by the Department of Education in defining materials and equipment in its latest policy/procedural statement for grants administered by the agency
 - . Acquisition of school furniture
 - . Acquisition of school machinery

- . 7400 Replacement of Equipment
 - . Equipment purchases to take the place of existing equipment

- . 7500 Acquisition of Motor Vehicles
 - . Purchase of passenger vehicles for school administrative use
 - . Purchase of trucks for school maintenance use
 - . Purchase of school buses
- . 7600 Replacement of Motor Vehicles
 - . Passenger vehicles, truck, and school buses purchased to take the place of existing equipment

8000 DEBT RETIREMENT AND SERVICE

Retirement of debt and payment of interest and other debt costs from current funds. Principal and interest on current loans are not part of this function, but are reported in fixed charges.

- . 8100 Long Term Debt Retirement/School Construction
 - . The principal of loans used to finance the purchase or construction of schools.
- . 8200 Long Term Debt Service/School Construction
 - . The interest on bonds and loans used to finance the purchase or construction of schools.
- . 8300 Long Term Debt Retirement/Educational Expenditures
 - . The principal of loans used to finance the purchase of books, instructional equipment, and extraordinary maintenance.
- . 8400 Long Term Debt Service/Educational Expenditures
 - . The interest on bonds and loans used to finance the purchase of books, instructional equipment, and extraordinary maintenance.
- . 8500 Long Term Debt Retirement/Other
 - . The principal of loans used to finance the purchase of other equipment, and to pay for capital maintenance projects in excess of twenty-five thousand dollars.
- . 8600 Long Term Debt Service/Other
 - . The interest on bonds and loans used to finance the purchase of other equipment, and to pay for capital maintenance projects in excess of twenty-five thousand dollars.

9000 PROGRAMS WITH OTHER SCHOOL DISTRICTS

Transfers of payments to other school districts or to non-public schools for services provided to students residing in the sending city or town.

- . 9100 Programs with Other Districts in Massachusetts
 - . Tuition or transfer payments to other public school districts in Massachusetts for resident students

- . **9200 Programs with School Districts in Other States**
 - . Tuition or transfer payments to school districts in other states for resident students
- . **9300 Programs with Schools Other than Public Schools**
 - . Tuition or transfer payments to non-public schools for resident students
- . **9400 Payments to Collaboratives**
 - . Payments of assessments to collaboratives for administrative and instructional services in accordance with collaborative agreements
- . **9500 Payments to Regional School Districts**
 - . Payments or assessments to regional school districts for capital and operating budgets in accordance with regional school district agreements

CDM

environmental engineers, scientists,
planners, & management consultants

October 7, 1994

cc: BOS 1st page RF

CAMP DRESSER & McKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142-1403
617 252-8000

Ms. Lynne Jennings
U.S. Environmental Protection Agency
Region I
90 Canal Street
Boston, Massachusetts 02114

Mr. Edmond Benoit
Regional Engineer
Bureau of Waste Cleanup
Massachusetts Department of Environmental Protection
75 Grove Street
Worcester, Massachusetts 01605

Subject: W.R. Grace & Co.-Conn.
Sinking Pond Sediment Characterization Work Plan

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace & Co., Camp Dresser & McKee Inc. (CDM) is pleased to submit the attached **Sinking Pond Sediment Characterization Work Plan** for Grace's Acton, Massachusetts facility. If you have any questions or comments on this submittal, please call me at (617) 252-8824 or Bruce Conklin at (617) 252-8832.

Very truly yours,

CAMP DRESSER & McKEE INC.



Stephen S. Boynton, P.E.
Project Engineer

APPROVED BY:



Bruce R. Conklin, P.E.
Vice President

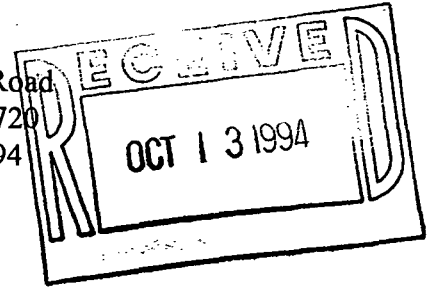
Enclosure

798-144-RT-GEAD

cc Distribution List - Page 2

cc: 1305

21 Vanderbilt Road
Acton, MA 01720
October 11, 1994



John J. Haley, Jr.
General Manager
MBTA
10 Park Plaza
Boston, MA 02116

RE: Train whistle problem in Acton

Dear Mr. Haley:

Nancy Tavernier at Acton's Town Hall suggested I write to you. Although Governor Weld recently signed a bill which should eliminate by January the commuter rail train blowing at fully functioning railroad crossings in Acton, it appears that at least some train engineers have no intention of obeying this state law.

As my husband was riding today's inbound commuter rail train No. 456, leaving at 9:25 A.M. from South Acton, he asked two different conductors when the whistle would end. They both said that they had no intention of stopping the whistle because "We're Amtrak and we're governed by the National Railroad Association so state laws don't affect us." Furthermore, "Bill Weld signed this law because it's an election year, but if we stopped whistling and there were an accident, the engineers would still be held liable by Amtrak". On his return trip on train No. 423, another conductor mirrored this skepticism by suggesting that if they ever *did* stop blowing the whistle, "fire trucks better be prepared for the accidents."

Since Amtrak works under a contract with the MBTA, it is obligated to follow state laws. There is therefore no justification for the above comments. The "accidents" argument is similarly baseless since trains do not whistle at much busier intersections east of Acton.

A good law has been passed and we are grateful. To date, however, the whistle blowing has not subsided in the least. I and many other Acton residents would greatly appreciate you closely monitoring commuter rail trains' compliance. Thank you.

Sincerely yours,

Florence Kis

cc: Nancy Tavernier

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: October 11, 1994

TO: David Abbt
George Robinson

FROM: Don P. Johnson, Town Manager

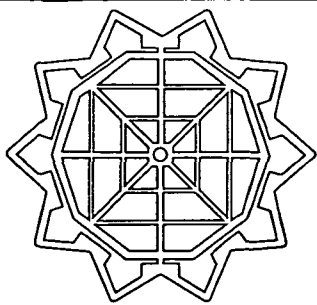
SUBJECT: Stow Street Commuter Parking

Back during the summer Ms. Colissa Berry, 6 Stow Street, spoke to the Selectmen during Citizens' Concerns and asked that we place permanent "NO PARKING" signs on the inside of the curve on Stow Street. Her focus was on commuter parking and the problems it causes at this location. At the time I informed the Selectmen that we were completing the renovations at the lot and suggested that we wait until the lot was finished and school was back in session to evaluate the issue. The Board agreed and asked me to have staff review the concerns in this area, recommend corrective actions and schedule any necessary Public Hearing(s).

With the paving bids finally resolved, Dick Howe will be finishing the lot in the next few days. I would now ask that both of you monitor the entire area of Stow, Maple and Martin Streets over the next several weeks and make any comments/recommendations that you believe might be appropriate to address the commuter parking issues in this part of town.

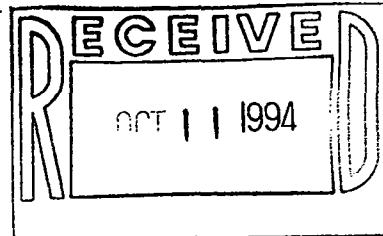
cc: Board of Selectmen





Massachusetts Municipal Association LEGISLATIVE BULLETIN

October 7, 1994



THE MUNICIPAL AGENDA AND THE NOVEMBER ELECTION

As the November election nears, the following are key items on the Municipal Agenda that local officials may want to discuss with legislative candidates.

Uncapping the Lottery

Last summer, local officials won a major victory when the Legislature passed and Gov. William Weld signed a five-year phase-out of the \$166 million lottery diversion. Cities and towns should receive between \$75 and \$80 million in new lottery funds in fiscal 1996. **The MMA is encouraging its members to ask legislative candidates in their communities for the Legislature's continued support in uncapping the lottery.**

Oppose Earmarking

When the lottery was established in 1972, its purpose was to provide cities and towns with additional unrestricted revenues. Any attempt by the Legislature or the Administration to earmark lottery funds for specific programs would be a violation of the historic intent of the lottery. **Please ask the legislative candidates in your community for their continued support for the original intent of the lottery, and ask for their pledge to oppose any attempt to earmark lottery funds.**

Support the MMA Local Aid Resolution

The 1995 MMA Legislative Package will include a local aid resolution. The resolution will call on the Legislature to support full funding of the education reform law, level funding of Additional Assistance, and a \$75 to \$80 million increase in lottery revenues. In order to be effective,

the local aid resolution must be passed by both branches of the Legislature in early February so that the Department of Revenue can send reliable Cherry Sheets no later than March 1. **Please ask your legislative candidates to support and co-sponsor the MMA Local Aid Resolution and urge support for a vote on the resolution no later than mid-February.**

School Finance Problems

The education reform law of 1993 continues to cause significant funding problems for municipalities. As communities begin to prepare for the third year under the education law, the MMA believes there must be substantive changes to the burdensome school finance rules. **Please share with candidates from your community any difficulties you have experienced in implementing the law. Ask them to work with the MMA in an effort to craft sensible solutions to developing school budgets while protecting municipal services.**

PILOT and Regional School Transportation

For the past two years, the Legislature has level funded the Payment In Lieu of Taxes program at \$6.5 million. In each of these years, the MMA has successfully fought to add the funding to the state budget.

Regional school transportation was underfunded in fiscal 1995 by about \$36 million. Since transportation costs are not calculated in a community's minimum required local contribution, this poses a significant problem for a number of communities. Cities and towns are required to make up the state's missing share of regional

CC: BOS

school transportation costs from property tax dollars that would otherwise be used to support local services such as police, fire, roads, public works, and others. **Please ask your candidates to support the PILOT program and full funding of the regional school transportation program.**

Oppose Unfunded Mandates

Despite the strong anti-mandate provisions of Proposition 2 1/2, the Legislature has come under increasing pressure to enact legislation that would impose new costs on cities and towns. This is particularly true of many environmental and labor issues. Unfunded mandates force communities to shift scarce local revenues away from existing municipal services. **Please ask your candidates for their commitment to reject any bill that imposes new unfunded costs on cities and towns.**

The MMA Position on Ballet Questions:

MMA Board Endorses Question 8

The MMA Board of Directors voted unanimously at its September meeting to support Question 8, sponsored by the Coalition to Save Our Roads and Bridges. If passed by voters, Question 8 will prohibit Highway Fund transfers, prohibit the state from balancing the budget with Highway Fund monies, and require the state to develop and implement a seven-year comprehensive, statewide transportation needs plan.

The 1990 gas tax increase has not been spent on its intended purposes — namely the repair of roads and bridges. This ballot question is the result of the state's disregard for the voters' wishes in 1990. In 1991, \$235 million was transferred from the Highway Fund in order to balance the state's operating budget. The Highway Fund surplus has now reached \$518 million. Currently, four out of every five Massachusetts road miles continue to be rated as fair or poor, and one-half of the state's bridges are rated substandard.

Please ask your candidates to support the MMA's position on Question 8.

MMA Board Opposes Question 9

The MMA Board of Directors voted unanimously at its September meeting to oppose Question 9, the proposal to prohibit rent control, because the initiative violates home rule and threatens local autonomy. As a statewide referendum, Question 9 will have voters from one community overruling citizens in other communities that have exercised their home rule rights. If Question 9 passes, other narrow special interest groups may propose statewide ballot questions which undermine municipal powers, including local bylaws and regulations. **Please ask your candidates to support the MMA's position on Question 9.**

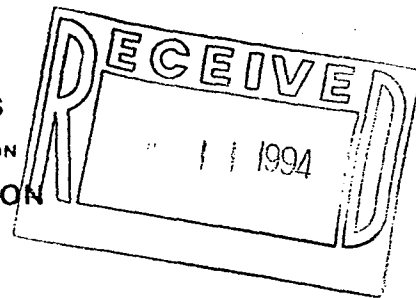
Hearings on Ethics Law Scheduled

A Special Commission on Ethics, created by the 1994 campaign finance reform law, is beginning the process of reviewing the commonwealth's ethics laws and regulations, and recommending amendments by March 1, 1995. The commission plans to gather information and examine the ethical standards contained in Chapters 268A and 268B and their application to state and local government officials. The commission will examine the differences between the operation of the ethics law at the municipal and state levels; the adjudicatory procedure of the current ethics commission; and enforcement and penalty provisions for violations of the law. The commission will also study issues surrounding gifts and gratuities, requirements for disclosure, ethics laws in other states, and any other issues that the commission deems relevant for further study. The commission intends to complete the research portion of its work by January, and make recommendations by the March deadline. Attleboro Mayor Judith Robbins is on the special commission.

The commission will hold a hearing Thursday, Oct. 20, at 7 p.m. at the State House in the Gardner Auditorium. Written testimony may be sent to: Special Commission on Ethics, c/o Committee on Election Laws, Room 26, State House, Boston, MA 02133.



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION
COMMUNITY ANTENNA TELEVISION COMMISSION
LEVERETT SALTONSTALL BUILDING
100 CAMBRIDGE STREET, BOSTON 02202



October 6, 1994

(617) 727-6925

VIA FAX

Mr. William P. Morton
General Manager
A-R Cable Services, Inc. and CSC Acquisition Corp.
577 Main Street
Hudson, MA 01749

cc: cable BOS

Re: Refund Plans: A-R Cable Services, Inc. and CSC Acquisition Corp.

Dear Mr. Morton:

The Massachusetts Community Antenna Television Commission (the "Commission") has reviewed your letter of September 19, 1994 and its enclosures, concerning certain issues remaining with respect to the refunds for A-R Cable Services, Inc. and CSC Acquisition Corp. ("Cablevision"). The Commission has the following questions and comments.

1. The Commission has determined that two installation rates appearing in the May 20, 1994 Rate Order for the Town of Braintree were inadvertently reversed. Specifically, the rates for "installation pre-wired homes ("re-connect") and "installation/additional connection at time of initial installation" ("A/O at time of install") shown on the Rate Determination Page and the Form 393 at Step B, line 7.b and 7.c, should be as follows. For "installation pre-wired homes" ("re-connect"), the rate should be \$14.14 (not \$21.20). For "installation/additional connection at time of initial installation" ("A/O at time of install"), the rate should be \$21.20 (not \$14.14). An Erratum for the Town of Braintree will be issued shortly. Please review refund calculations with respect to this correction and advise the Commission if any modification must be made.

2. On the attached Exhibit B, there is one page showing "installation re-connect" computations, but no page for "A/O separate trip." For every system except one, this is not a problem; because for the two activities, their charges as shown on Exhibit C are identical; both the "present charge" and the charge established by the Rate Order. The exception is the Lexington-Bedford system. For that system, the "present charge" for these two activities differs substantially. As a result, for the Lexington-Bedford system, please develop separate Exhibit B computations for the "installation re-connect" and "A/O separate trip" activities.

3. Cablevision has indicated that "interest was paid on refunds up to July 14, 1994." However, interest on refunds should have been computed up to the date each refund actually appeared on the subscriber's bill. The interest, of course, is on money held by Cablevision which belongs to the subscriber. Please recompute interest for the period between July 14, 1994 and the date refunds were paid, and credit subscribers' bills accordingly.

4. Several questions continue to exist concerning the computations for the Montachusett system. First, on Schedule B, on the "Installation Re-Connect" page, for Fitchburg, Leominster and Gardner, peculiarly large "daily interest percentages" appear in the first, "July" column. Please revisit these computations. Second, on Exhibit C, for Gardner, Templeton and Westminster, the "present charge" broadcast basic without converter rate is shown as \$6.56, whereas the Form 393s and the Rate Orders indicate it was \$6.43.

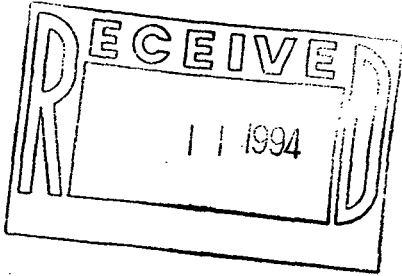
The Commission looks forward to your rapid response to these questions. Please do not hesitate to contact the Commission if you have any questions or seek further clarification.

Sincerely,

A handwritten signature in cursive script that reads "Jill M. Reddish".

Jill M. Reddish
Acting Commissioner

cc: Issuing Authorities



MASSACHUSETTS
BOARD OF APPEALS

RECEIVED & FILED

DATE October 11, 1994

Barbara Brown
TOWN CLERK, ACTON

Decision on the Petition by
Anthony Ammendolia
16 Elm Street, Acton, Massachusetts

Decision #94-18

A public hearing of the Board of Appeals, continued from September 12, was held in the Town Hall on Monday, September 19, 1994 at 7:45 p.m., Room 121, Acton, Massachusetts, on the petition by Anthony Ammendolia, 16 Elm street, for a SPECIAL PERMIT in accordance with the requirements of Section 3.8.1.2 of the Zoning Bylaw, to authorize a home retail occupation of a trophy, plaques and awards business, "Standing Ovations" at 16 Elm street, Map E2/Parcel 241.

Board members present were Duncan Wood, Chairman; Nick Miller, Member & Acting Clerk; Janet Clark, Associate Member. Also present were Valerie Grier, Board of Appeals Secretary; Tony and Anne Ammendolia, Petitioners; Michael Griffin, Stanley Saffron, Frances Davis, and Robert Hoague.

Mr. Wood opened the hearing, introduced the Board Members, read the petition, and noted and read the file contents. Mr. Ammendolia was then asked to make his presentation.

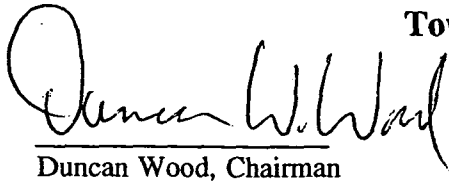
The Board of Appeals, after considering the materials submitted with the petition and the information presented at the public hearing finds that the proposed use:

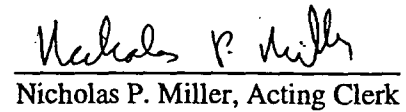
- (1) Is consistent with the Master Plan;
- (2) Is in harmony with the purpose and intent of the Zoning Bylaw;
- (3) Will not be detrimental or injurious to the neighborhood in which it is to take place;
- (4) Is appropriate for the site in question;
- (5) Complies with all applicable requirements of the Zoning Bylaw.

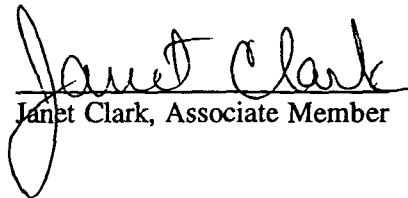
Based upon the findings, the Board voted unanimously to GRANT the SPECIAL PERMIT, with the provisions that no retail sales be conducted between 10 p.m. and 7 a.m., and that the applicant take appropriate measures to insure that customers do not use the adjacent private way for parking.

Any person aggrieved by this decision may appeal pursuant to Massachusetts General Laws Chapter 40A, Section 17 within 20 days after this decision is filed with the Acton Town Clerk.

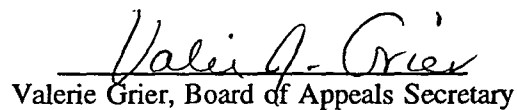
Town of Acton Board of Appeals


Duncan Wood, Chairman


Nicholas P. Miller, Acting Clerk


Janet Clark, Associate Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on October 11, 1994.

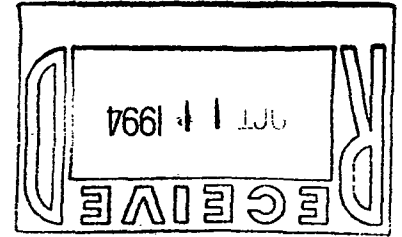

Valerie Grier, Board of Appeals Secretary

ACTON HISTORIC DISTRICT COMMISSION
472 Main Street, Acton, MA 01720

9434

NOTICE OF WAIVER OF PUBLIC HEARING

Sept. 28, 1994 APPLICATION # _____



Date of mailing: _____

Dear Property Owner:

An application for a Certificate of Appropriateness has been received by the Acton Historic District Commission from the following property owner:

Applicant and address of proposed work
~~Ann and Joseph Glannon~~
53 School Street

Proposed alteration
replacement of cement
front step with one piece
of natural stone

In accordance with the Acton Historic District Bylaw, the Commission may waive a public hearing on an application for a Certificate of Appropriateness if the Commission determines that the alteration to the exterior features involved is insubstantial in its effect on the overall historic district. Such action by the Commission requires that notice be given to the owners of all adjoining properties and other properties that may be materially affected by the alteration. The above case is currently under review for a Certificate of Appropriateness. If you do not request a public hearing within ten (10) days from the date of mailing, the Commission may act upon the application without a public hearing.

If you desire a public hearing, please sign and return this notice to the Commission within ten days from the date shown above. If you do not desire a public hearing no action on your part is required.

Name

Address

Jan A. Oates sec

Historic District Commission

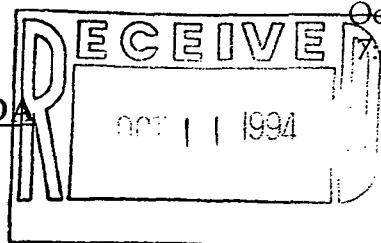
4/93

BOS

ACTON SCHOOL COMMITTEE

Library
Gates School

AGENDA



October 13, 1994
7:45 p.m.

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES OF SEPTEMBER 8, 1994, and STATEMENT OF WARRANT
- III. CHAIRMAN'S INTRODUCTION
- IV. PUBLIC PARTICIPATION
- V. OLD BUSINESS
 1. Regional action requiring Acton approval:
 - a. Acceptance of School District Goals, 1994-95
 - b. Approval of Religious Observance Policy - Second Reading
 2. Playground Safety Policy
 3. Revised School Choice Budget, FY'95
- VI. NEW BUSINESS
 1. Regional action requiring Acton approval:
 - a. Authorization for Application for School Assistance in Federally Affected Areas
 2. Acceptance of Gates PTO Donations
 3. Acceptance of McCarthy-Towne PTO Donations
- VII. FOR YOUR INFORMATION
 1. Gifts to the Schools: Gates, Integrated PreSchool
 2. Paper on Site-Based Management
 3. Grants Update, 1994-95
 4. Personnel Update
 5. Report of School Lunch Program, FY'94
 6. Douglas Digest - September & October issues
 7. Gates Gazette - September 23, 30, and October 7 issues
 8. Merriam School Community News - September 23 issue
 9. Merriam Mornings
 10. Technology Expo '94 Newspaper from Merriam
 11. Elementary Parent Programs
 12. Tier Three and Four Transportation
 13. School Object Report

Note: For the October enrollment figures, please refer to the document we distributed at last week's meeting.
- VIII. WARRANT DISCUSSION
- IX. CONCERNS OF THE COMMITTEE
- X. NEXT MEETING - November 10, 7:45 p.m., Douglas School
- XI. ADJOURNMENT

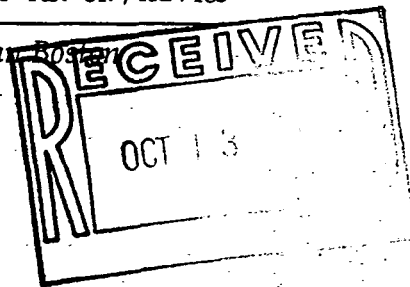


Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770 Fax 617/482-7185

Serving 101 cities and towns in metropolitan Boston

ACTION ALERT



September 26, 1994

TO: Chief Elected Officials
FR: Edmund Tarallo, Council President
RE: Transportation Bond Bill : S-1769

In August, the Governor signed into law a "mini" Transportation Bond Bill amounting to \$2.4 billion, of which \$2.0 billion was earmarked for time-sensitive highway and bridge projects. The remaining \$400 million was allotted to the MBTA and state police. This only amounts to approximately 1/3 of the \$6.2 billion allocated in the total bill. These funds are for projects that had design work completed and which could be advertised by October 15, 1994. Unfortunately, funding for the "convention center" has delayed the passage of the remaining allocations within the bond bill. The lack of passage represents a REAL problem for MAPC and the rest of the state:

- If not passed by the end of December, the bill will have to be refiled for the next legislative session, losing this year's construction season completely.
- If the bill is refiled, the legislative process must once again start from the beginning. This could result in the loss of next year's construction season as well.
- Although new projects can be advertised, they cannot be awarded without the additional funding authorization awarded through the bond bill. Projects advertised at a later time will likely be more costly.
- Communities must currently pay to keep many of these roads serviceable. Communities are forced to expend funds that would not be needed if bond funds for construction were available.
- Each \$1 million of construction is equivalent to 60 jobs!

The Transportation Bond Bill is currently in Conference Committee. Members are:

Senator Thomas F. Birmingham: State House, Room 212, 722-1650

Senator Robert Havern: State House, Room 512, 722-1432

Senator Matthew Amorello: State House, Room 314, 722-1485

Representative Thomas Finneran: State House, Room 314, 722-2960

Representative Stephen Karol: State House, Room 445, 722-2960

Representative Nancy "Hasty" Evans: State House, Room 443, 722-2460

For the benefit of our communities, it is essential that you call, write, or visit your legislators and conference committee members to underscore the importance of the bill's swift passage. Please encourage your legislators to eliminate the "convention center" inclusion at this time so the Transportation Bond Bill may be passed **IMMEDIATELY**.

cc: MAPC Community Representatives

Edmund P. Tarallo, *President*

William G. Constable, *Vice-President*

Donna M. Jacobs, *Secretary*

Richard A. Easler, *Treasurer*

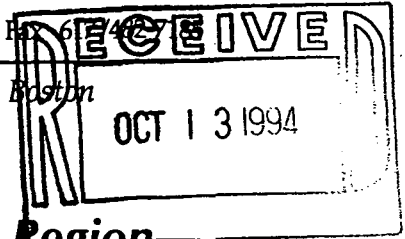
David C. Soule, *Executive Director*



Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770 Fax 617/451-2771

Serving 101 cities and towns in metropolitan Boston



Pavement Management in the MAPC Region

The Metropolitan Area Planning Council has developed and introduced pavement programs in the Boston Area for over a decade. By today's standards, the original versions of pavement software were limited technically. Nonetheless, they were an effective tool for introducing pavement management to communities. Federal legislation and diminishing local revenues have continued to pressure municipalities into adopting more systematic approaches to all areas of maintenance, including road expenditures. As a regional planning agency, MAPC offers a pavement management program to assist communities with this maintenance.

As MAPC worked with communities in the region, it became evident that increased interest necessitated revisions to the introduction and implementation of the program. The current program is the culmination of ten years of pavement management work. It is better understood and appreciated when looked upon as a result of progression and revision. A more comprehensive presentation of the program and alternatives to using DPW staff to do the actual inspections have proved valuable advancements.

Twenty years ago, many people would have defined "pavement management" as simply repairing roads. However, the term pavement management can no longer be defined as merely fixing potholes or even building new highways. Today, pavement management encompasses the latest technological developments and financial planning strategies. Pavement management programs are computer based approaches to the ceaseless imbalance between monetary needs and available resources. The goal of any management program is to try to maximize dollar value. Pavement management is no different.

Pavement management software invariably requires a condition survey of the roads in a management sector. This data is entered into the respective program's database and forecasts are made as to how the roads will deteriorate in a given time-frame. The latest software takes these projections and develops a tentative maintenance schedule to be used as a guideline for actual repairs pending.

From this, the community must determine which roads it will actually apply maintenance to. The software will NEVER take the place of local decision-making, it merely supports and assists in the process.

Pavement Management is an integral part of maintaining a community's expensive infrastructure.

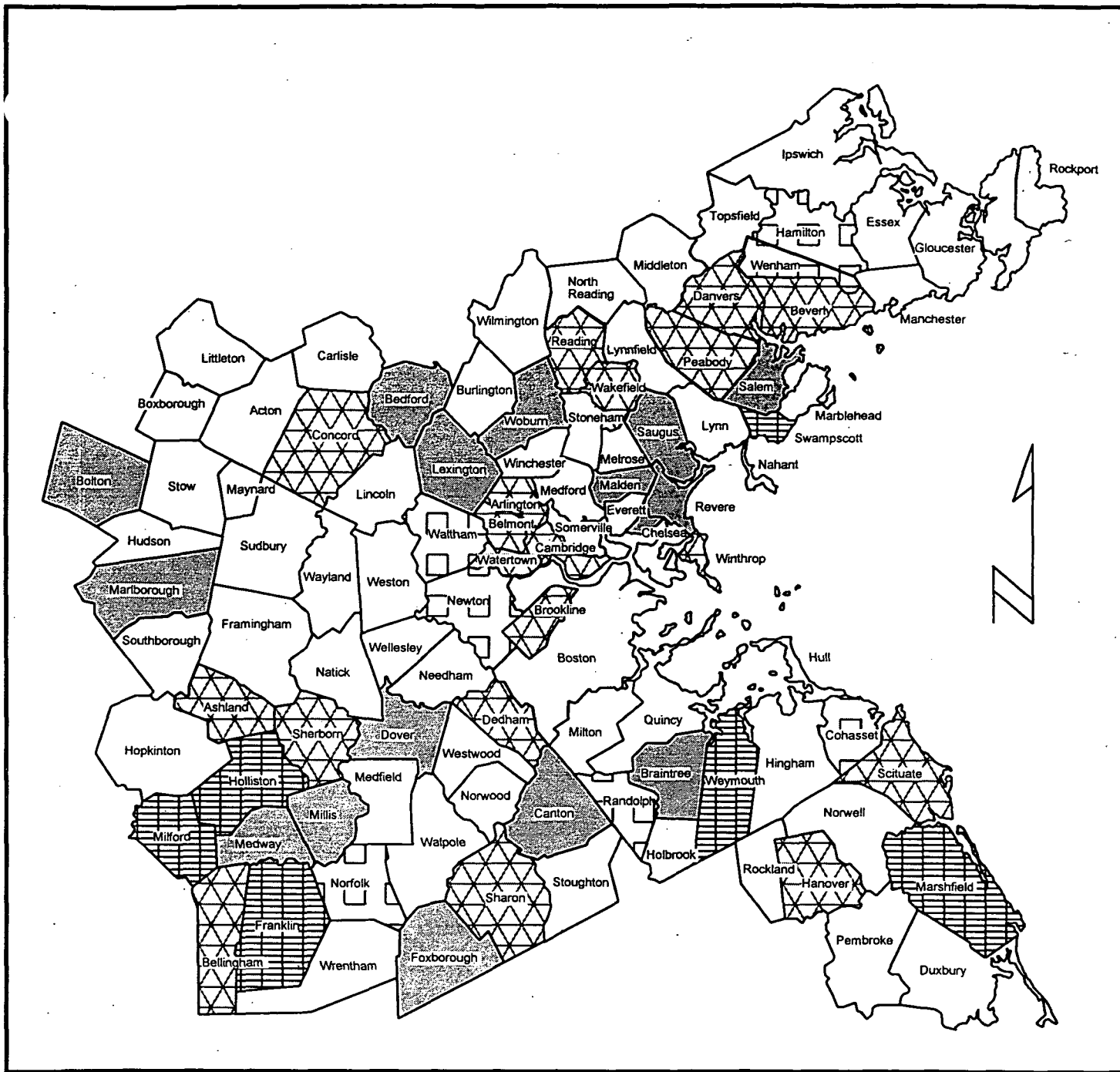
Edmund P. Tarallo, *President*

William G. Constable, *Vice-President*

Donna M. Jacobs, *Secretary*

Richard A. Easler, *Treasurer*

David C. Soule, *Executive Director*



MAPC Pavement Management Program

1994



Participating with MAPC



Using other system



Advanced Participant



Currently inactive

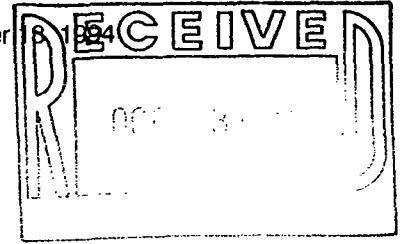


Past Participant (outdated PM data)

TOWN OF ACTON

Inter-Departmental Communication

Date: October 18, 1994



TO: Town Clerk

FROM: Nancy Howell, Cemetery Clerk

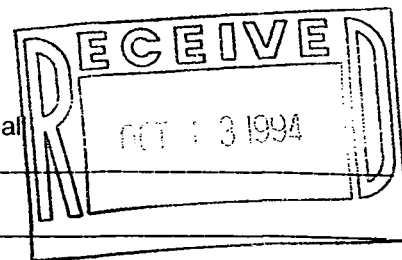
SUBJECT: Cemetery Commissioners Meeting

The Cemetery Commissioners will meet at 1:00 p.m., on Friday, October 21, 1994, at the Kennedy Service Building located in Woodlawn Cemetery.

Following this meeting, they will resume their regularly scheduled meetings at 7:30 p.m., on the second Wednesday of each month.

cc: D. Johnson
D. Charter

MINUTES FORM
Please send a copy after each meeting to Town Hall



MINUTES OF _____ Meeting of Cemetery Commissioners _____

Meeting posted: x yes, no

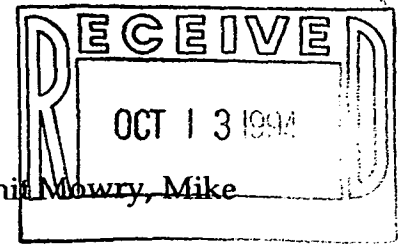
Date: September 14, 1994 Time: 7:30p.m. Place: Kennedy Service Building, Woodlawn Cemetery

Members present: W. E. C. George, B. Conant, E. Bailey
also present: D. Charter, D. Lee, N. Howell, A. Warner

1. Meeting began at 7:30p.m.
2. Minutes of the August 10th meeting were unanimously accepted as presented
3. Youth Soccer Update - Alan Warner
Electrical power has been installed
Irrigation system is in place, with the exception of the pump, which should be in next week
There will be housing over the controls
Upon Dave's inquiry, Mr. Warner stated that Youth Soccer will be responsible for clean-up of the area
D. Charter asked if there would be a drinking fountain. No. Since a fountain was not in the original plans, A. Warner felt that they would probably have to tap into the Town water supply to get approval
The control box will be secured with a padlock, probably combination style
Dave will be included in the test run, so that in an emergency, he knows how everything works
Once the system is working, Bruce Stamsky will do a drawing showing the layout of the piping for future cemetery reference
The Dept. of Municipal Properties aerated the field
Alan Warner left at 7:40
4. Section 14 Up-Date
Roads have been laid out and the grades marked
The Highway Dept. will be doing the site work
If the paving bids are settled, most of the site work should be done by frost and paving will be done in the Spring - Dean should know more next week
An additional request for funds from the Cemetery Land Fund will be necessary due to unforeseen delays:
Dave met with Karl Troupe of the Water Dept. on August 23rd - we will tap into the 6" main in the cemetery with a 4" main, which should be sufficient to serve the future development at the Concord Road side of the cemetery, and install a pit and water meter (@\$4,000.00 will be needed for the valve, piping & pit). The commissioners signed a letter requesting that the Water Dept. Commissioners waive the \$2,000.00 demand fee.
Hot-topping will be closer to \$14,000.00 than \$9,900.00 (@ \$4,100.00 additional)
Original plan called for nine varieties of shrubs, we have reduced this to five varieties, which will be of a larger size (@\$9,500.00, not \$7,500.00).
Putting in 3-6" of silt under the loam to maintain surface moisture
Dave will try to have the total needed for an additional transfer from the Land Fund by the next meeting
Section 14 has cremation lots, which we will have to price
5. Fertilizer with grub control
For the past four years, we have used Dursban or Diazanone - it is recommended that you change the product every few years.
After checking available combinations (with Dursban, \$2451., Diazanone, \$2,774., Ofthanol, \$2,700), we chose one with Ofthanol
Application has been completed at both Woodlawn and Mount Hope

6. Department Reorganization
Dean has been told that he will have the Town Manager's decision within two weeks
The Commissioners discussed meeting with the Town Manager to try to solve the dilemma
7. Chapel trustee
Original conditions of Sarah A. Watson's will stated that the two trustees were to be A. Leavitt Taylor of the law firm, and Fred Kennedy, as the cemetery superintendent
David Taylor replaced his father as the member of the law firm, and within the last year or two, Stewart Kennedy was appointed to replace his father, Fred Kennedy, as the cemetery superintendent
Stewart Kennedy, though not a resident of the Town, no longer an employee of the Town, and residing in Florida for the winter, is still listed as a trustee
Dean, in his recent communication with the law firm, stated that since his retirement, Stewart Kennedy no longer represents the Town, that any cemetery reorganization has not yet been determined, and that as Director of Municipal Properties, it is his duty to recommend and oversee any work to be done on any municipal buildings
Dean has received a reply to the effect that until the court makes a new appointment, Stewart Kennedy will remain the second trustee
8. Follow-up
The Commissioners read Nancy's letter to Mrs. Woodbury re: her request and the Commissioners decision of August 10
9. New Business
York Rake
Both the Cemetery Dept. and the Dept. of Municipal Properties have need of a York Rake
With the approval of the commissioners, the \$600.00 purchase price could be divided between the two departments
The Commissioners voted unanimously to pay one-half (\$300.00) of the purchase price of a York Rake from cemetery trust funds (New Perpetual Care)
Giant Vac
Our present Giant-Vac is over 20 years old. The engine was rebuilt eight years ago. We can no longer get parts for it.
The cost of a new engine, impeller and shrouding will be @ \$3,450.00
The cost of a new machine, depending on the size, would be from @ \$4,700.00 to @ \$6,100.00, possibly less (if we can get a trade-in allowance)
Dean will have a truck with a leaf box, and will provide funding for 10% of the total cost of a new machine
The Commissioners voted unanimously to expend from cemetery trust funds, 90% of the purchase price of a new Leaf-Vac costing up to \$6,100.00
10. Vandalism
Three monuments were tipped over in Mount Hope Cemetery. Dave's pictures were displayed
Acton Monument was called to reset and reseal the monuments
Upon Nancy's mention that there was space available in the Municipal Quarterly, the Commissioners directed her to submit a brief article
11. Acton 2001 communication was distributed
12. Deed signed
13. Next meeting - Wednesday, October 12, 1994
14. Meeting adjourned at 8:40 p.m.

ACTON HISTORIC DISTRICT COMMISSION MINUTES
SEPT. 19, 1994, 7:30 P.M., Rm. 126



Members present: Anne Forbes, Joan Gates, Michaela Moran, Whit Mowry, Mike Lynch and Tom Peterman.

APPLICATION 9402--Betsy Taylor-Kennedy appeared for Michael Rosenfeld. The HDC had asked the applicant to come back in with a design that reduced the side lights of the door, and increased the width of the trim. A modified design was shown. Michael Rosenfeld appeared at 8:10 p.m. He noted that he may need two additional risers in the stairs to accomodate change in floor and platform level.

IT WAS VOTED UNANIMOUSLY to approve the ammended design for APPL. 9402 as presented on Sept. 19, 1994. as the HDC concerns have been addressed: trim on windows and door is more compatible with detail: the fence has been curtailed and is more satisfactory in terms of its layout. The new stair design is consistent with the original application but substitutes a fence at the landing as shown in SK-3. The fence at the landing and the change in the number of risers may be made at the applicant's discretion, if needed, to accomodate change in floor and platform level. (Tom moved, Joan seconded) IT WAS VOTED UNANIMOUSLY that a gate of the same design as the fence could be used at the applicant's discretion. (Tom moved, Joan seconded)

SOUTH ACTON BRIDGE: Selectman Norm Lake, Betsy Eldridge, and Anita Dodson from the Historical Commission joined us for a presentation by Chuck Kostro of some state Highway Dept. ideas for the bridge replacement. Ann noted that Whit, Michaela, and Ann were at a previous presentation. Chuck stated that he (1) wants to see the bridge built, and (2) wants to see it built right. He said he was looking for a clear sense of what the town wants, and what to do with the old post office building. The present plan calls for a temporary bridge to be on the west side of the bridge, leaving the building where it is, making a tight turn to get to the temporary bridge. The new bridge will be 2' higher even with the lowering of the railroad track by 2', which the railroad has agreed to.

The HDC told him they would like to see stone facing on both sides of the bridge, stone piers at the ends for the anti-missile fence to end at, tapered if possible. The commission ask Chuck to find out what alternative there might be to anti-missile chain link fence, and to the galvanized safety rails between the road and the sidewalk. Chuck said the state believes that it doesn't need to go thru the permitting process with the Acton HDC, only Mass. Historical, a state body. He noted that they have until the end of December to get it out to bid this year. Anne asked when they might have their plans more definite, so we could hold a hearing for the townspeople; and we could let Mass. Historical what the Acton HDC thought of the plan, as they will have a say in the approval process.

Belle Choate joined us at this time to assist us on sign applications.

APPLICATION 9435---Howard and Joan Canning: free-standing sign for 560-564 Mass. Ave. Belle says he can't change the panels on the existing sign; it has to come down, as it is too close to the street, and is not licensed. He can have a free-standing sign but not in that location. We cannot approve it, where it is even by special permit. IT WAS VOTED UNANIMOUSLY that it was within our jurisdiction, but at present the application is incomplete; we will request applicant to withdraw it. (Anne moved, Whit seconded.)

ANNOUNCEMENTS: Anne noted she had had a request for the HDC to display materials of historic interest at the Octoberfest to be held in West Acton Village on October 15.

Mass. Historical will be holding a conference on Saturday, October 1, from 9-4.

APPLICATION 9432: Creative Cleaners for a sign at 588 Mass. Ave. IT WAS VOTED UNANIMOUSLY that the application was incomplete. We need to know the materials it will be constructed of, the size and style of the lettering, the position of the sign on the building. We also need an application fee of \$15.(Michaela moved, Tom seconded.) Joan agreed to write applicant a letter spelling this out and inviting him to come to our October 3 meeting.

APPLICATION 9436: Andrea and Harry Tankin: replacement of doors at ²776 Arlington Street. IT WAS VOTED UNANIMOUSLY that this is within our jurisdiction. Review was scheduled for October 3 meeting.


APPLICATION 9434: Joe and Ann Glannon: stone step at 53 School St. to replace old cement step. IT WAS VOTED UNANIMOUSLY that this was within our jurisdiction, that we find it to be compatible with the house and with the surrounding district, and will grant a Certificate of Appropriateness, subject to no adverse notice from abutters within the waiver time period. (Whit moved, Joan seconded.)

The meeting was adjourned at 10:15 p.m.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

HIGHLY CONFIDENTIAL

DATE: 10/14/94

TO: The Board of Selectmen
FROM: John Murray 
SUBJECT: NESWC

At approximately 10:00 AM today, I received an agenda for the NESWC Board of Director's meeting for Tuesday, October 18, 1994. Item #1, the Executive Session for Strategic Analysis, is a matter of grave concern. I have attached the agenda, the "background memo", and Strategic Analysis slides for your review Exhibits 1, 2, & 3 respectively.

The basic thrust of the analysis is the communities should purchase the plant, buy out the MRI contract, and choose a private firm to operate the plant for the communities. While I have no more information than you have, and the meeting has not been held, I CAN NOT ADVISE you that NESWC should sink one more cent into this analysis for the following reasons:

1. Common sense dictates that the total cost of paying off the existing debt and providing the necessary profit for MRI over the next 10 contract years, will be equal to the purchase price demanded by MRI today (under the current contract MRI owns the plant free and clear at the date of contract termination).
2. The communities purposely structured the existing debt to be back-loaded two years ago, in order to keep current fees low (Please see Exhibit #4).

3. The \$30 million retrofit savings projected by the analysis, must be looked at closer. Stated in a slightly different manner, the analysis projects MRI will overcharge the communities \$30 million for the retrofit. Side #3, bullet #3, states that the \$30 million savings "contributes to the projections that the sale is cost effective". I question the implicit assumption that the only way for the communities to protect themselves from being "ripped-off" to the tune of \$30 million by MRI, is to purchase a \$250 million trash to energy plant from MRI.
4. The last 10 years of history have indicated that the assumptions used by the consultants, at that time, to sell the current contractual morass, were TOTALLY UNRELIABLE. Please Note: The original assumption set predicted, the energy revenues generated by the plant, this year and every subsequent year, would fully fund the all the costs incurred on an annual basis. Yet, we are paying approximately 3 times the spot market rate at our own plant.
5. Some of the 23 communities have significant financial obstacles to overcome. Westford and North Andover have recently been downgraded by Moody's. Andover is a member of the greater Lawrence Sewer District. Lawrence, the largest member of the district, has not been paying their assessment in the last few years.
6. The most compelling reason is that over the last 10 years, NESWC has repeatedly proven beyond any conceivable measure, it is managerially inept.

While I freely admit I have prejudged this proposal, my plan is to attend the meeting with the hope that I will be convinced I am wrong.



NORTH EAST SOLID WASTE COMMITTEE

530 Atlantic Avenue, Boston, Massachusetts 02210 • Tel (617) 443-1303 • Fax (617) 443-1301

Board of Directors Meeting Agenda

Tuesday, October 18, 1994 - 12:00 p.m.

12:00 p.m. to 2:00 p.m. Executive Session (Lunch will be served)

2:00 p.m. General Meeting

Arlington Community Safety Building

12:00 p.m.

1. Strategic Analysis (Executive Session)

2:00 p.m. General Meeting Begins

2. Discussion of Previous Minutes
3. Approval of Minutes, September 13, 1994
4. Electricity Negotiations (Executive Session)
5. NESWC Audit
6. Recycling Grants
 - (a) Update on CEF Grant
 - (b) Update on October 17th Recycling Grants Meeting
7. Marketing - Saugus RESCO
8. Ash
 - (a) Test Update - Stabilization
 - (b) Test Update - Vitrification
 - (c) Meeting with EOEA/DEP re: Ash Recycling
9. Dispute with MRI - RE: Sludge Tests
10. Quarterly Outage Report
11. Investment Report
12. New Business

Adjourn



NORTH EAST SOLID WASTE COMMITTEE

530 Atlantic Avenue, Boston, Massachusetts 02210 • Tel (617) 443-1303 • Fax (617) 443-1301

MEMORANDUM

TO: NESWC Board of Directors

FROM: Steven M. Rothstein
John A. Merritt

DATE: October 13, 1994

SUBJECT: Background for Board Agenda

We apologize for the lateness of this packet. It was necessary to wait for the presentation slides from PFM. These presentation slides have been numbered and we will request their return in order not to jeopardize NESWC's potential future negotiating position. It is **critical** that these materials be **kept strictly confidential**.

The following provides background information for the topics to be covered at the NESWC Board of Directors meeting on October 18th. The item numbers refer to the topics on the enclosed agenda.

1. Strategic Analysis

A detailed presentation of the Strategic Analysis results will be given by Nancy Winkler of PFM and Robert Weimer of CDM. A variety of scenarios will be discussed and direction for further action will be sought from the Board in Executive Session.

2. Discussion of Previous Minutes

3. Approval of Minutes, September 13, 1994

4. Electricity

A full update of recent negotiations with New England Power Co. and MRI including the potential for litigation will be discussed in Executive Session.

5. NESWC Audit

Representatives of BDO Seidman have begun the review and evaluation of the NESWC books for FY94. With the exception of the Stabilization Fund, which only had beginning balances after the Board Meeting in September, their review is substantially completed. Some further work and review will be required in order to complete the work on the Stabilization Fund. It is possible that this work might cause the final report to be issued later than the October 31st due date stipulated in the indenture.

6. Recycling Grants

(a) Update on CEF Grant

The final details of the implementation of the CEF recycling grant for FY95 are currently underway with respect to the nature of the eligibility requirements, required weight records, specific materials included and the hiring of NESWC's full time recycling coordinator. All of the latest information will be provided at the meeting.

(b) Update on October 17th Recycling Grants Meeting

A meeting will be held on October 17th in Andover to review the details of the CEF Recycling grant already awarded and get information on the current DEP Recycling Equipment Grant Program for FY95. A copy of the meeting notice is enclosed. An update of any relevant findings at that meeting will be provided.

7. Marketing

NESWC, (along with Ogden) was invited by the City of Revere to make a presentation to the Saugus RESCO communities whose contracts with Wheelabrator run out in the next couple of years (see copy of letter enclosed). Collectively this represents approximately 200,000 tons/annually. An update of that meeting and our plans with respect to marketing to these communities will be presented.

8. Ash

(a) Test Update - Stabilization

After difficult negotiations with MRI, a method has been established to get pre WES-PHix ash samples to competing vendors in order for them to do treatability studies of our ash. This method is in strict compliance with EPA regulations on the handling of such ash. This will enable these vendors to make a proposal with respect to the capital and operating costs of their competing stabilization processes. Two vendors have asked for contracts to undertake treatability studies as this memo is being drafted. One has returned an executed contract and will receive an ash sample during the week of October 10th.

(b) Test Update - Vitrification

The arrangements that NEP has been making with U.S Environmental to test our ash in combination with their oil fly ash for suitability in vitrification applications have been nearly completed. NEP will be paying the entire cost of these tests which will be around \$175,000. The current timetable calls for the test to take place during the last week in October or the first week in November, if negotiations are proceeding with NEP. John will be on-site for a portion of the five day test to over-see results in progress. Samples of the sorts of material that may result from such a process, including mineral wool and a castable obsidian-like material (similar to granite) for curbstones were shown at the September Board Meeting.

(c) Meeting with EOEA/DEP re: Ash Recycling

On September 26th, John met with representatives of EOEA, DEP, NEP and parties interested in recycling ash of various types in Massachusetts. The primary focus, from NESWC's point of view, was to begin to get the state to focus on the currently existing barriers to recycling MSW ash in this state. EOEA is open to consideration of these issues, while DEP expressed significant reservations to many types of ash recycling that have been proposed. Vitrification, because of the massive change it makes in the ash was the one proposed method that DEP admitted had some promise in the shorter term. EOEA proposed an inter-agency review of the current regulations with respect to ash recycling. We are very much in favor of this approach and, with NEP, will continue to pursue this avenue of review.

9. Dispute with MRI - RE: Sludge Test

A summary of NESWC's dispute with MRI regarding the cost of the sludge burning test will be presented. See attached letter from James McIver dated September 23, 1994.

10. Quarterly Outage Report

Please find the most recent quarterly plant outage report from MRI enclosed.

11. Investment Report

A copy of Peter Buhler's summary of investment activity for the period will be distributed at the meeting.

12. New Business

CONFIDENTIAL

North East Solid Waste Committee

Exhibit #3

STRATEGIC ANALYSIS

prepared for the

THE NORTH EAST SOLID WASTE COMMITTEE

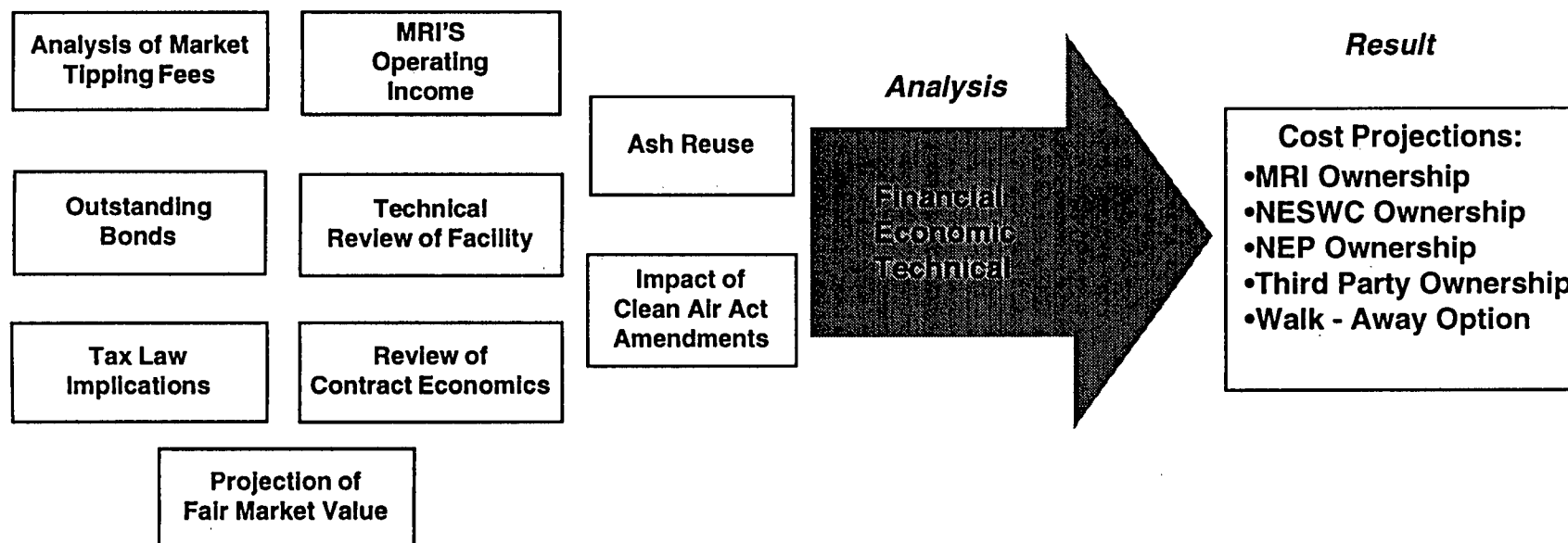
October 18, 1994

**by Public Financial Management, Inc.
and Camp Dresser & McKee, Inc.**

Prepared by Public Financial Management, Inc.

North East Solid Waste Committee

The scope for the PFM / CDM report covered a technical, financial and economic review of the North Andover Facility and the MRI contract with the NESWC communities.



CONFIDENTIAL

North East Solid Waste Committee

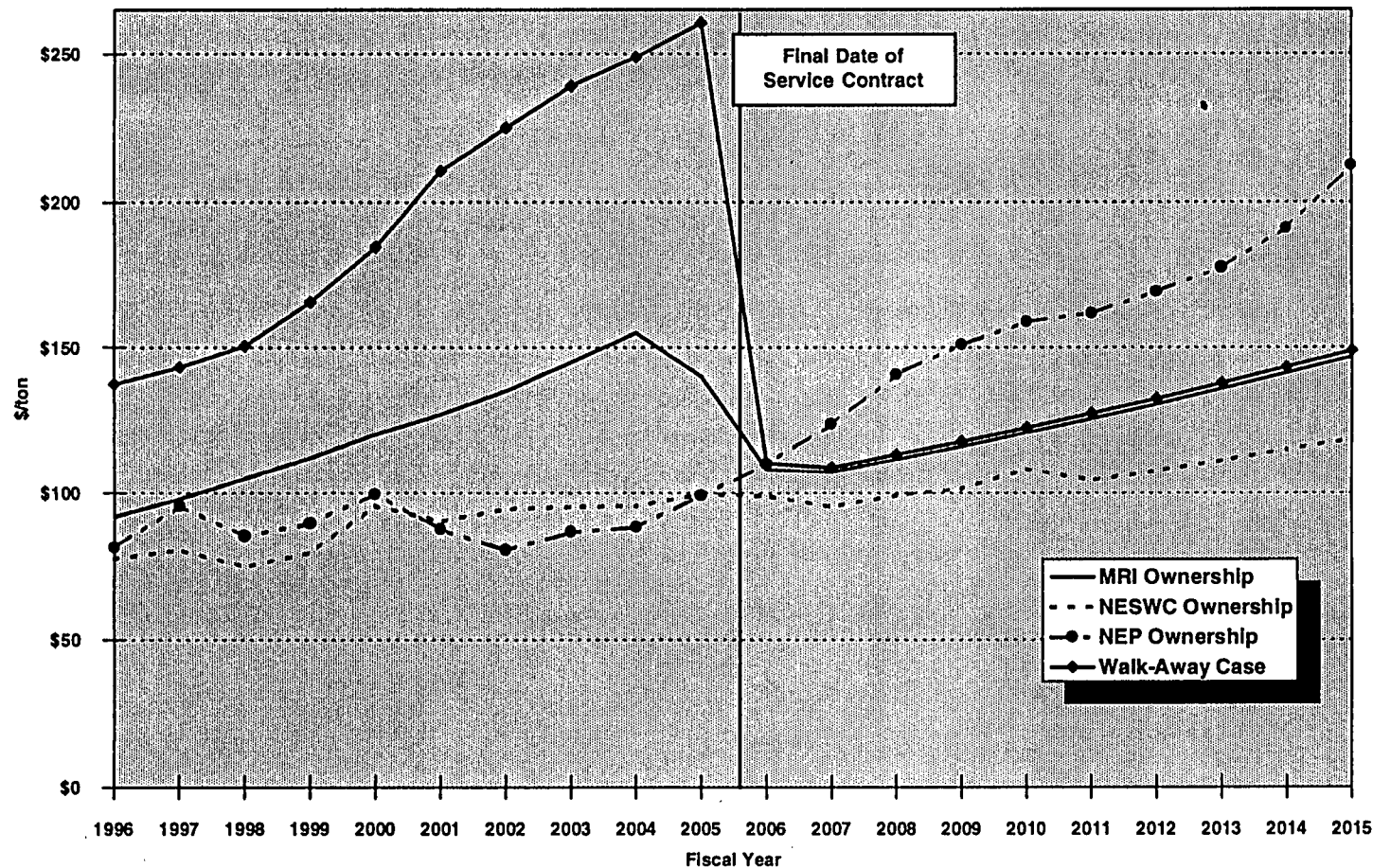
The study results permit PFM to make some significant general observations about the economics.

- **NESWC's costs under the existing MRI contract are driven up over the next ten years by very large increases in debt service and projected debt service on the retrofit bonds.**
- **Market tipping fees drive the results of the analysis because 50% of the facility capacity is currently on the short -term or spot market.**
- **The study assumes that the retrofit may cost up to \$30 million less if the facility is sold. This assumption contributes to the projections that a sale is cost effective.**
- **While negotiations are currently underway, energy revenues are limited contractually to New England Power's avoided cost, which has been extremely low (approximately \$0.02/KwH) for the past few years and well below the original projections.**

North East Solid Waste Committee

If the Base market disposal fee assumptions are used, the NESWC Ownership case is by far the lowest cost choice over the long term.

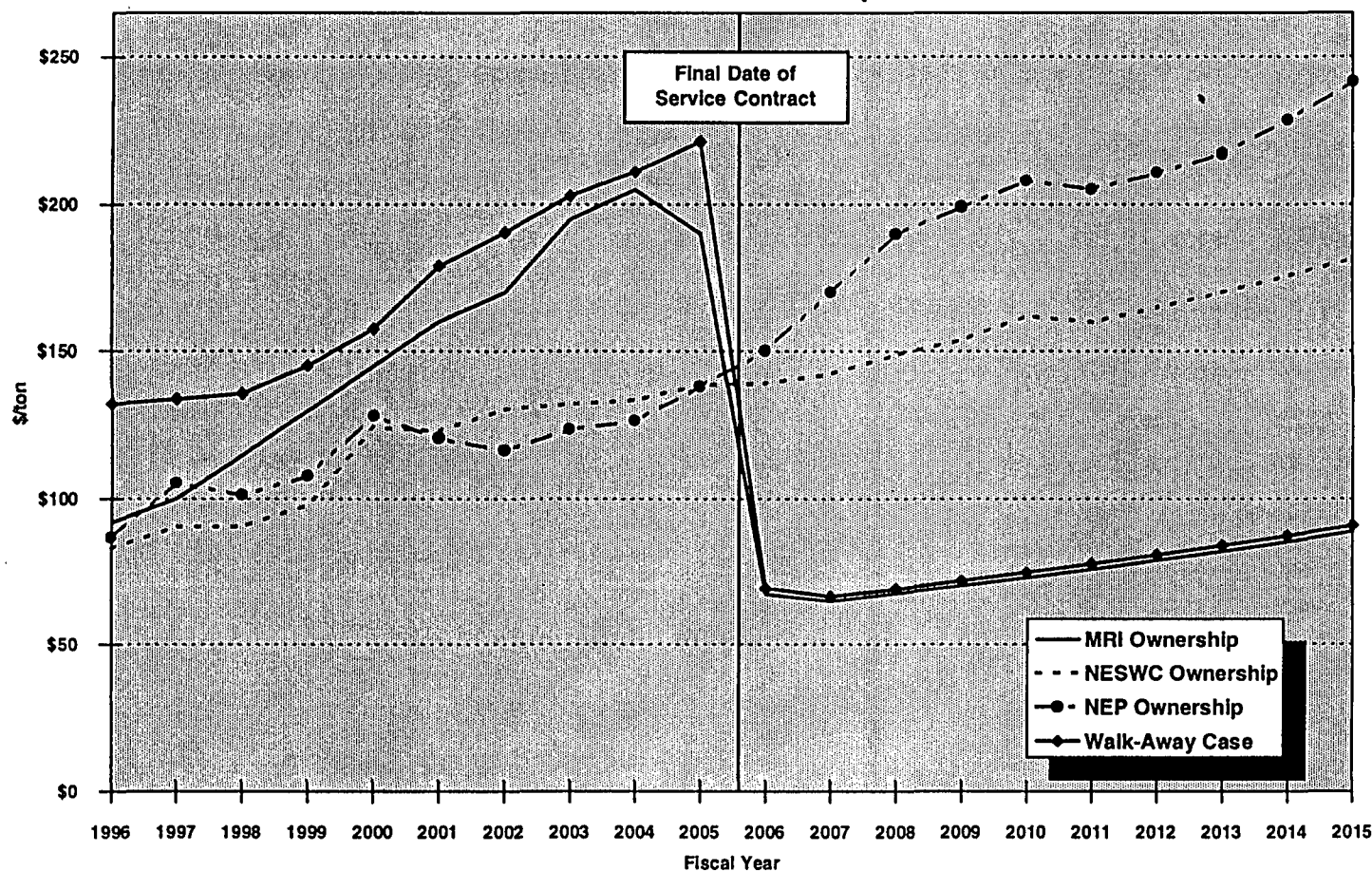
Comparison of Facility Ownership Options
Base Non-NESWC Disposal Fee



North East Solid Waste Committee

If the lower market disposal fee assumptions are used, NESWC Ownership is the lowest cost alternative for the first ten years. For a twenty year period, on a net present value basis, the MRI ownership case is slightly better.

Comparison of Facility Ownership Options
Lower Non-NESWC Disposal Fee






North East Solid Waste Committee

The Strategic Analysis produced four principal recommendations.

- (1) NESWC should pursue negotiations with MRI / WTI to acquire the North Andover Facility.**
- (2) NESWC should undertake due diligence to confirm that the Facility's physical condition is appropriate for the price to be paid.**
- (3) NESWC should consider creating a Solid Waste Disposal District to acquire the Facility. The Solid Waste Disposal District legislation could be structured to permit the debt service to be outside the Proposition 2 1/2 cap.**
- (4) NESWC should negotiate the acquisition of the Facility and procure a vendor to operate and retrofit the Facility. The new vendor must be under contract prior to a final transfer of ownership to NESWC.**

North East Solid Waste Committee

NESWC Review and Consideration of Strategic Plan

Schedule Item	Oct.	Nov.	Dec.
NESWC Board Meeting			
Discussion with NESWC Municipal Officials			
NESWC decision to move/ not move forward			

PRESENTATION TO

NORTH EAST SOLID WASTE COMMITTEE

BY

PALMER & DODGE

PUBLIC FINANCIAL MANAGEMENT, INC.

CAMP DRESSER & MCKEE INC.

BEAR, STEARNS & CO. INC.

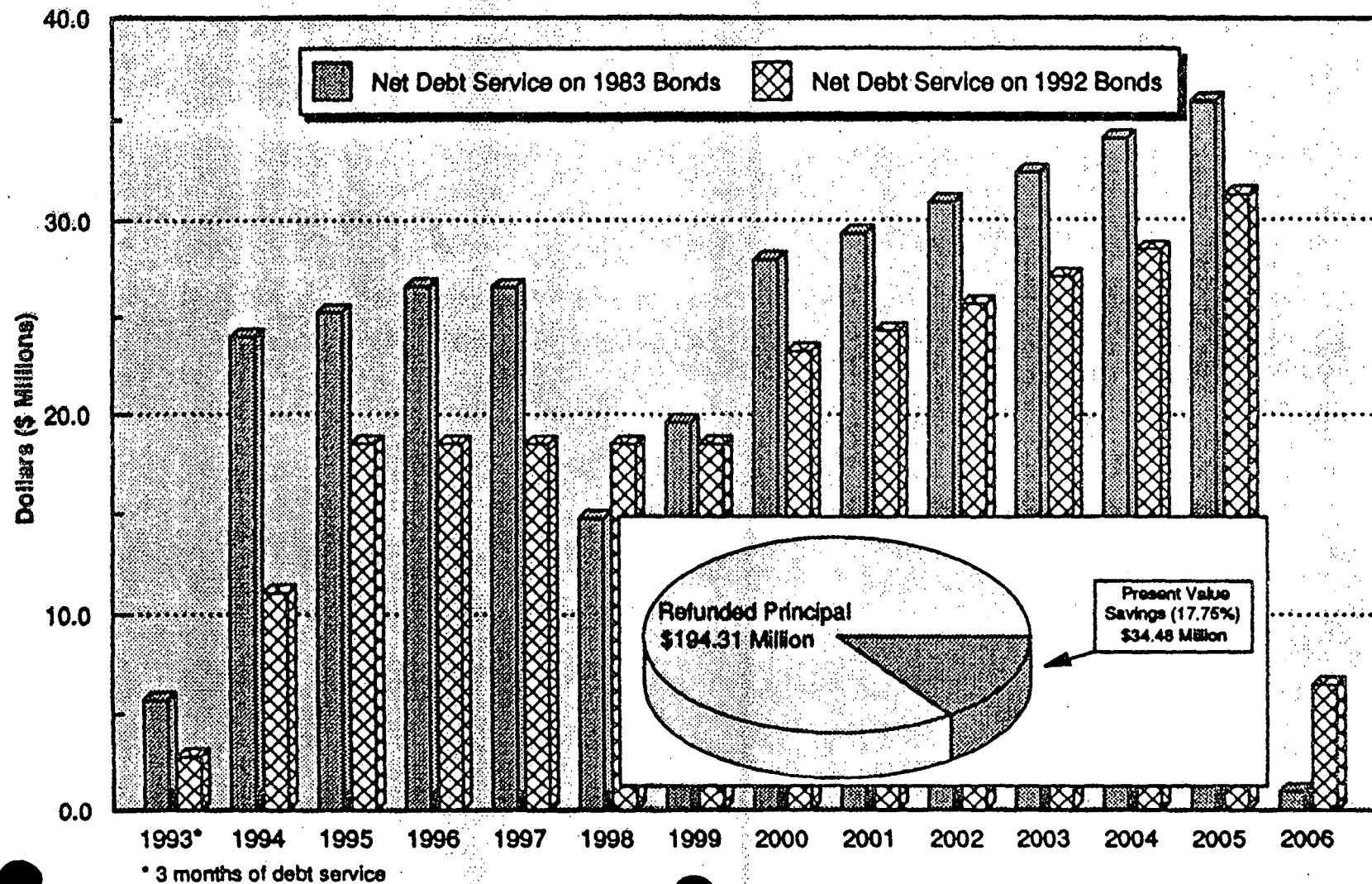
DECEMBER 4, 1992

NORTH EAST SOLID WASTE COMMITTEE FINANCIAL ANALYSIS OF REFUNDING

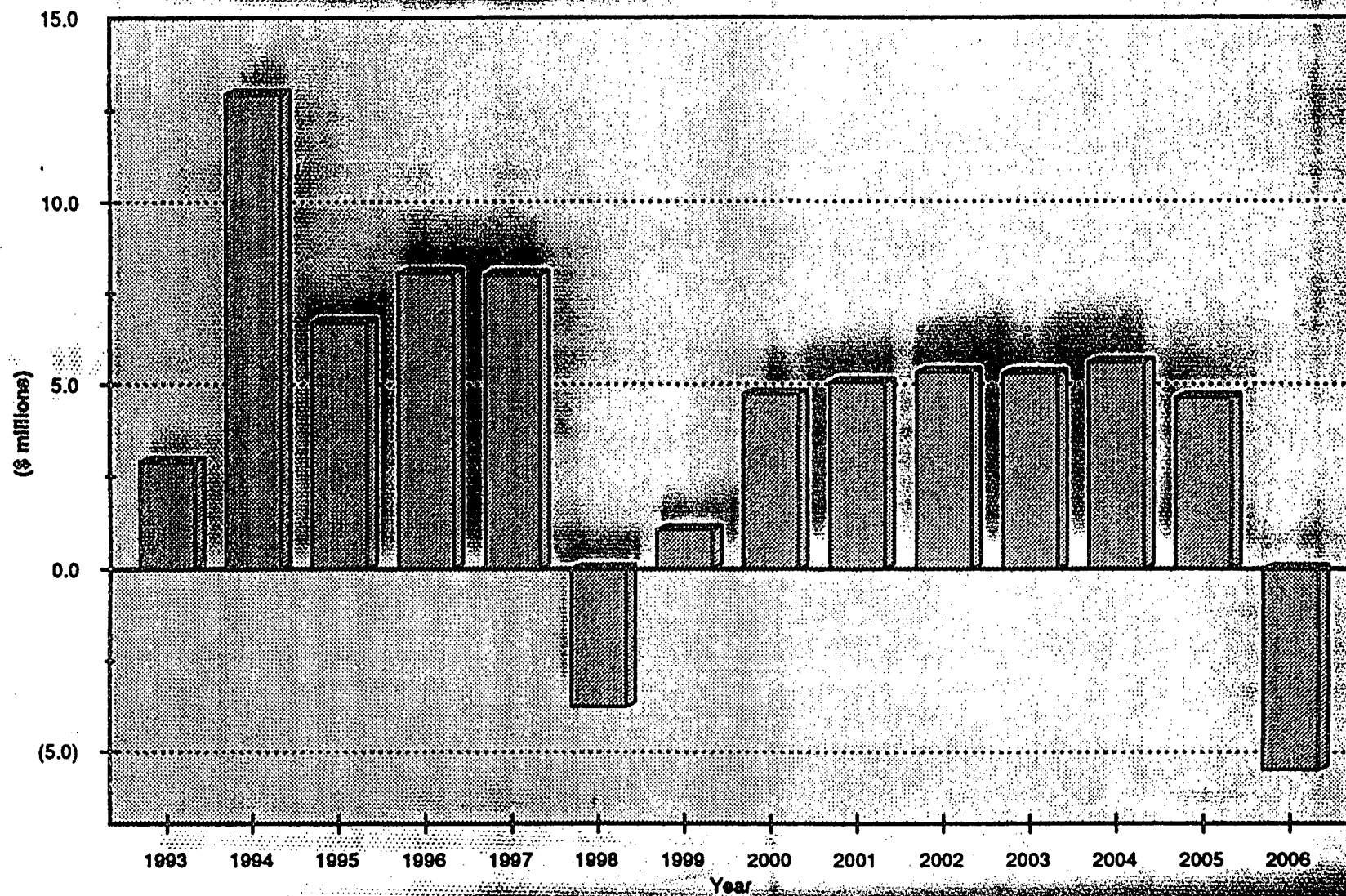
Two Series of Bonds

Current Refund	\$160,000,000 1983 Tax-Exempt Bonds at 10.125%	with (approx.)	\$148,960,000 1992 Tax-Exempt Bonds at 5.55%-6.25%
Advance Refund	\$34,310,000 1983 Taxable Bonds at 14.00%	with (approx.)	\$45,265,050 1992 Taxable Bonds at 6.15%-8.00%

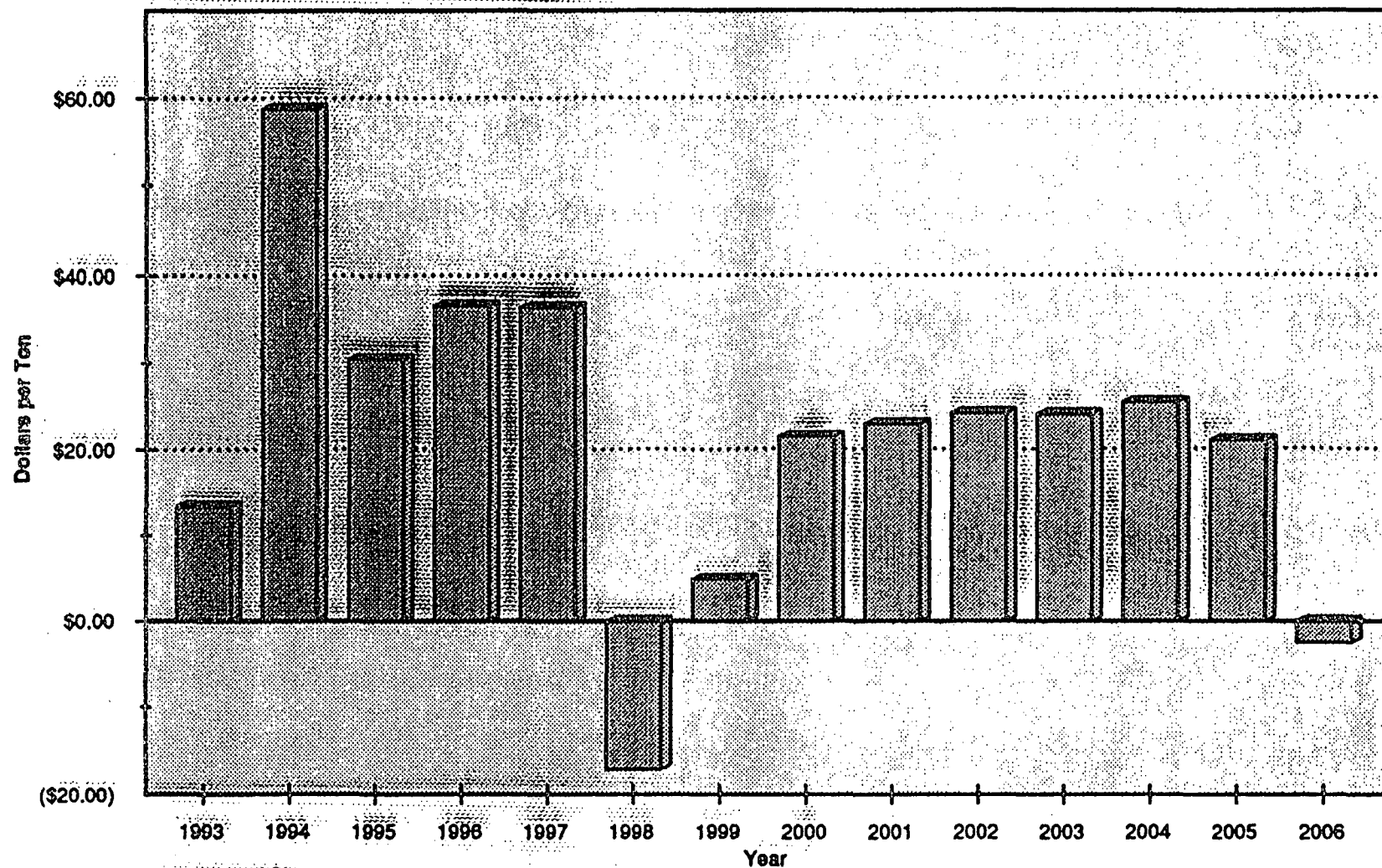
NORTH EAST SOLID WASTE COMMITTEE FINANCIAL ANALYSIS OF REFUNDING SAVINGS FROM ADVANCE REFUNDING



NORTH EAST SOLID WASTE COMMITTEE ANNUAL DEBT SERVICE SAVINGS

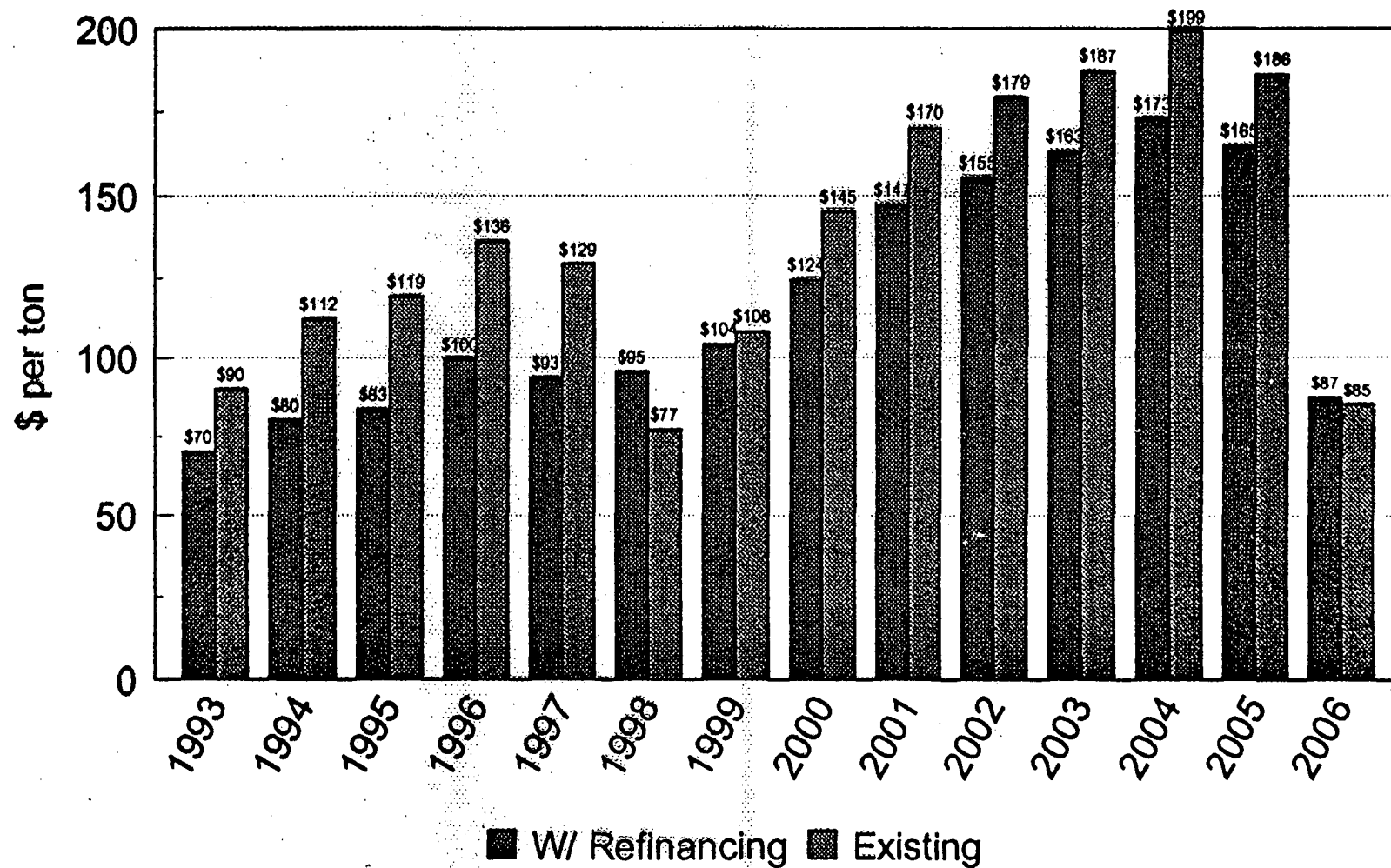


NORTH EAST SOLID WASTE COMMITTEE **TIPPING FEE IMPACTS** **TIPPING FEE/TON SAVINGS***

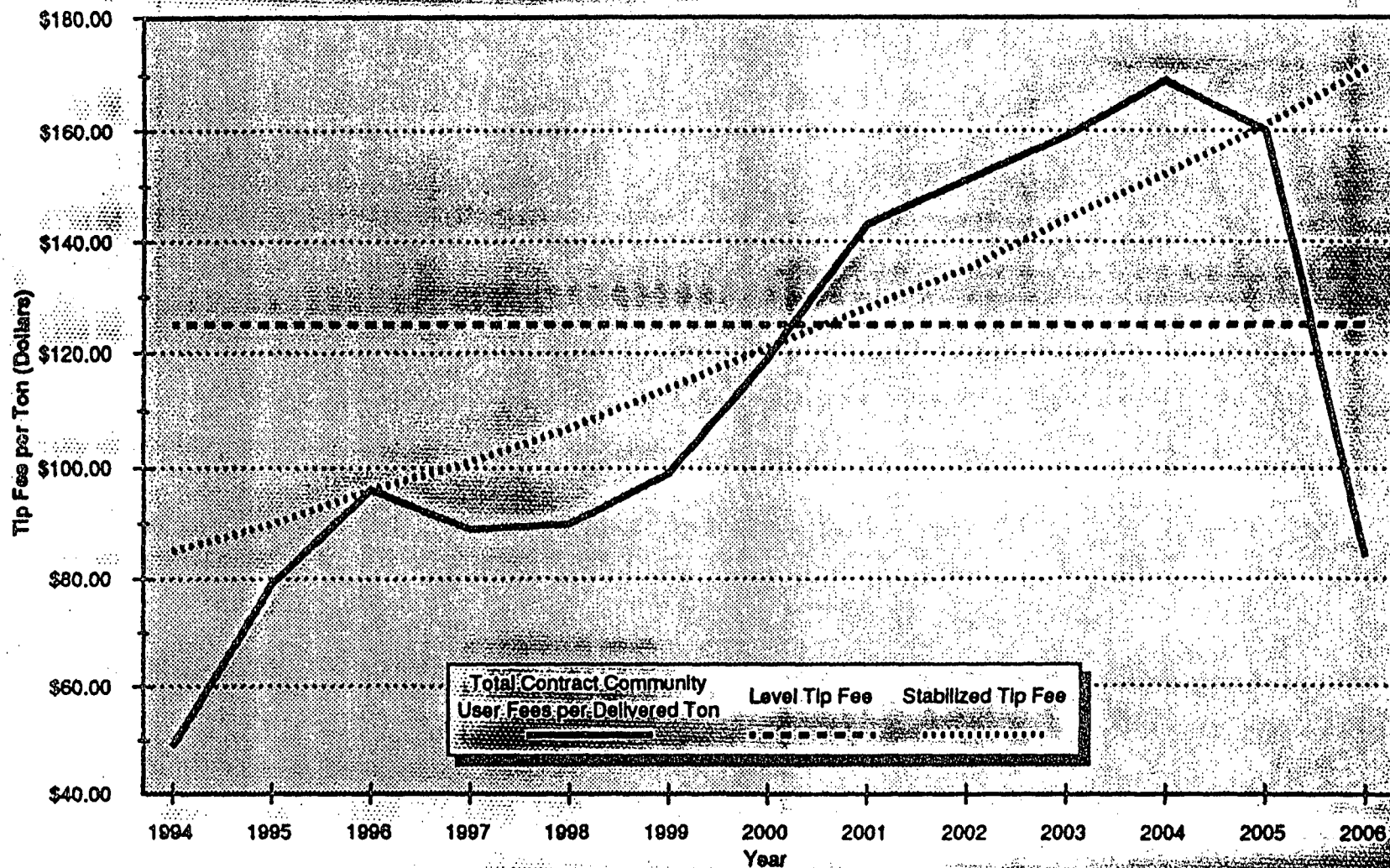


* Assumes 220,000 GAT

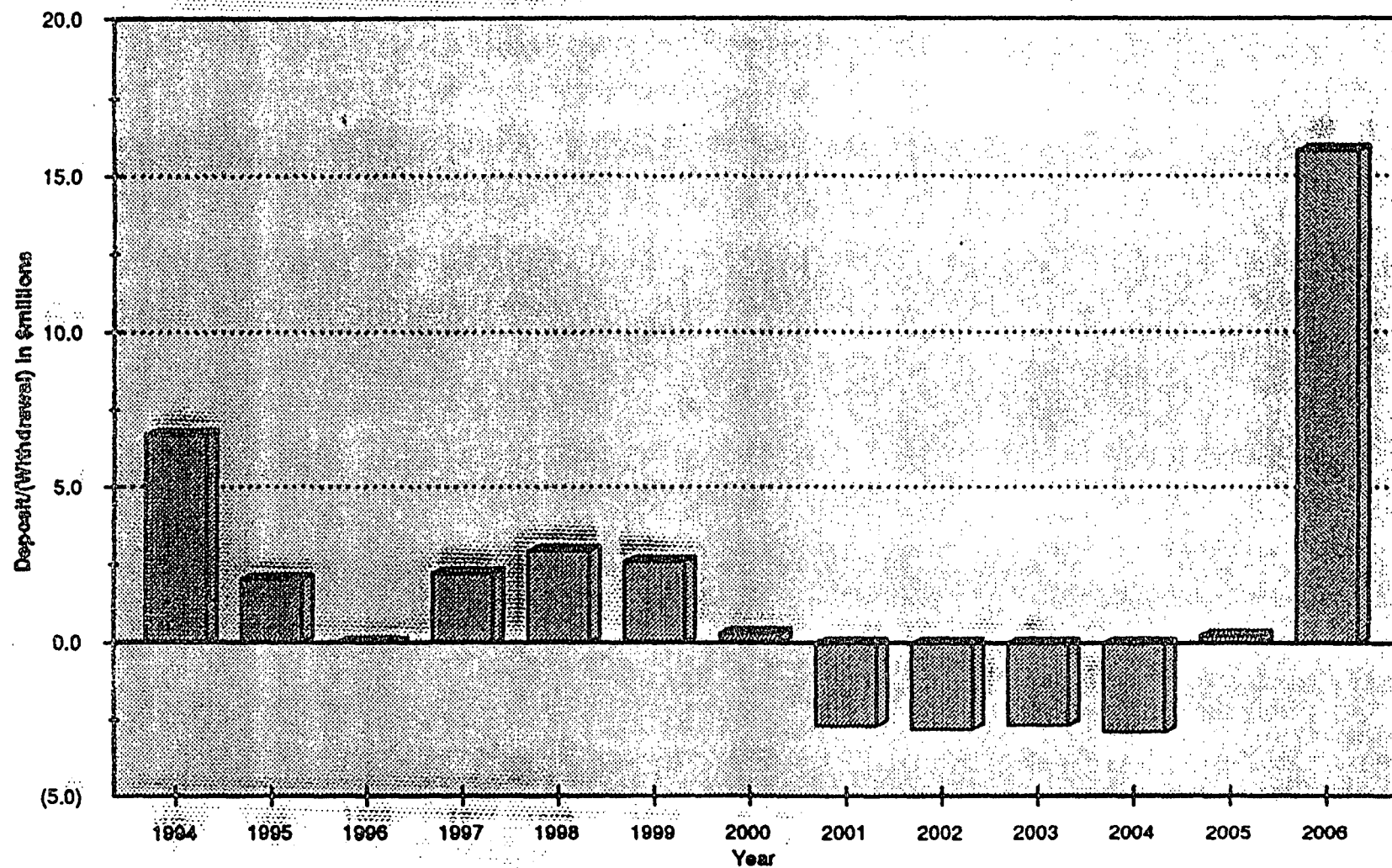
Projected Community Fees



**NORTH EAST SOLID WASTE COMMITTEE
TIPPING FEE IMPACTS
PROJECTED TIPPING FEES AFTER REFUNDING**



**NORTH EAST SOLID WASTE COMMITTEE
STABILIZED TIPPING FEE IMPACT
DEPOSIT/(WITHDRAWALS) FROM COMMUNITY STAB. FUND**



Major Assumptions

- Contract Community Tonnage Decreases 14% from 1992 to 1998
 - Caused Primarily by Recycling (*30% Rate*)
 - Slight Growth After 1993
 - Heat Value of Waste Increases Slightly
- Communities Will Pay Shortfall Premiums
- Non-Contract Community Waste Fills Capacity
 - 16% Volume Increase Required
 - 100,000 to 120,000 Tons Above Existing Short-term Contracts
 - Average Price \$37.50 in FY 93

Major Assumptions (cont'd)

- Plant Availability Will Fall to 85% by 2006 (*Above MRI Contractual Obligation*)
 - General Aging of the Plant
 - Decreased Efficiency Because of Air Pollution Control Retrofit
- Retrofit Expenses
 - 1996 Capital Costs of Approximately \$18 million
 - Plant Offline 10 Percent of Year
 - O&M Costs Increase by \$800k/Year
 - Electrical Sales Reduced by \$300k/Year

Major Assumptions (cont'd)

- Electrical Revenue Rate Increases From 1.97¢/kwh
At 4 Percent Per Year
- Ferrous Rate Set at \$12/Ton
- Average Annual Inflation Rate of 4 Percent, Affects:
 - Host Community Rate
 - Residuals Disposal Rate, (Delayed Until 1995)
 - Residuals Transportation Costs
 - O&M Fee

File Copy

October 21, 1994

TO: Board of Selectmen
FROM: NORMAN D. LAKE, Chairman
SUBJECT: SELECTMEN'S REPORT

#####

AGENDA

ROOM 204

October 25, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 Boston Edison- Main Street - Enclosed please find petition and staff comment for Board action.
2. 7:45 CONTINUED HEARING FROM OCTOBER 11th SITE PLAN #8/25/94-346 - Disinfection Facility behind 339 Nagog Hill Road - Enclosed please find the draft approval addressing and incorporating issues/concerns raised at the initial hearing prepared by staff for Board review and action.

III. SELECTMEN'S BUSINESS

3. EAGLE SCOUT - Enclosed please find an invitation for Board assignment from Troop 32 to attend a court on November 26th..
4. Route 2 CAC - Enclosed please find a Statement of Purpose and Agreement with regard to the Route 2 Corridor Advisory Committee's Mission for Board review and signature.
5. 61A LAND OFFER - GREEN LAND - 331 Pope Road - Enclosed please find notification to remove from 61A status, bona fide Purchase and Sales agreement and staff comment for Board action.

IV. CONSENT AGENDA

6. ACCEPT MINUTES - Enclosed please find copies of the September 27th Minutes for Board approval.
7. ACCEPT GIFT - Enclosed please find a request from the West Acton Citizen's Library for Board acceptance of funds to be used for books for Board action.
8. SURPLUS EQUIPMENT - Enclosed please find a request from the Highway Supt. to declare items as noted as Surplus for disposal and public bidding for Board action.

V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

MEETINGS

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

November 8 - Classification Hearing
November 22

852 acs

10/25/94

①

Boston Edison
Conduit and Manholes Installation

NOTICE TO ABUTTERS

In conformity with the requirements of Section 22 of Chapter 166 of the General Laws. (Ter. Ed.), you are hereby notified that a public hearing will be held at the office of the Selectmen of the Town of Acton Massachusetts, on the **25th day of October 1994, at 7:31 P.M.**, o'clock, upon the petition of Boston Edison Company for permission to construct, and a location for, a line of conduits and manholes, with the necessary wires and cables therein, for the transmission of electricity, under the following public ways of said Town:

Main Street - northwesterly opposite Post Office Square
a distance of about 6 feet - conduit

BOARD OF SELECTMEN

Form 518D
648ACS

10/25/94 - 7:31

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE: 10/11/94

TO: Board of Selectmen
FROM: Engineering Department
SUBJECT: Boston Edison Petition
Main Street

P.R.

We have reviewed the petition for the location referenced above and we have the following comments. This petition is for the installation of a conduit to provide underground electrical service to the controller cabinet which operates the traffic signal at Main Street and Post office Square. The actual installation was completed during the traffic signal construction and this is the paperwork to formally grant the location of the conduit.

We don't foresee any problems in granting this petition. If you have any questions or need additional information, please let us know.

95*60

PETITION OF BOSTON EDISON COMPANY FOR LOCATION FOR CONDUITS AND MANHOLES

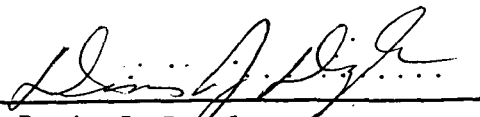
To the BOARD OF SELECTMEN of the Town of Acton Massachusetts

Respectfully represents BOSTON EDISON COMPANY, a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by R. A. Ruscitto dated September 7, 19 94 and filed herewith, under the following public way or ways of said Town:

Main Street - northwesterly opposite Post Office Square
a distance of about 6 feet - conduit

BOSTON EDISON COMPANY

By 
Denis J. Deagle - Supervisor
Rights, Permits & Survey

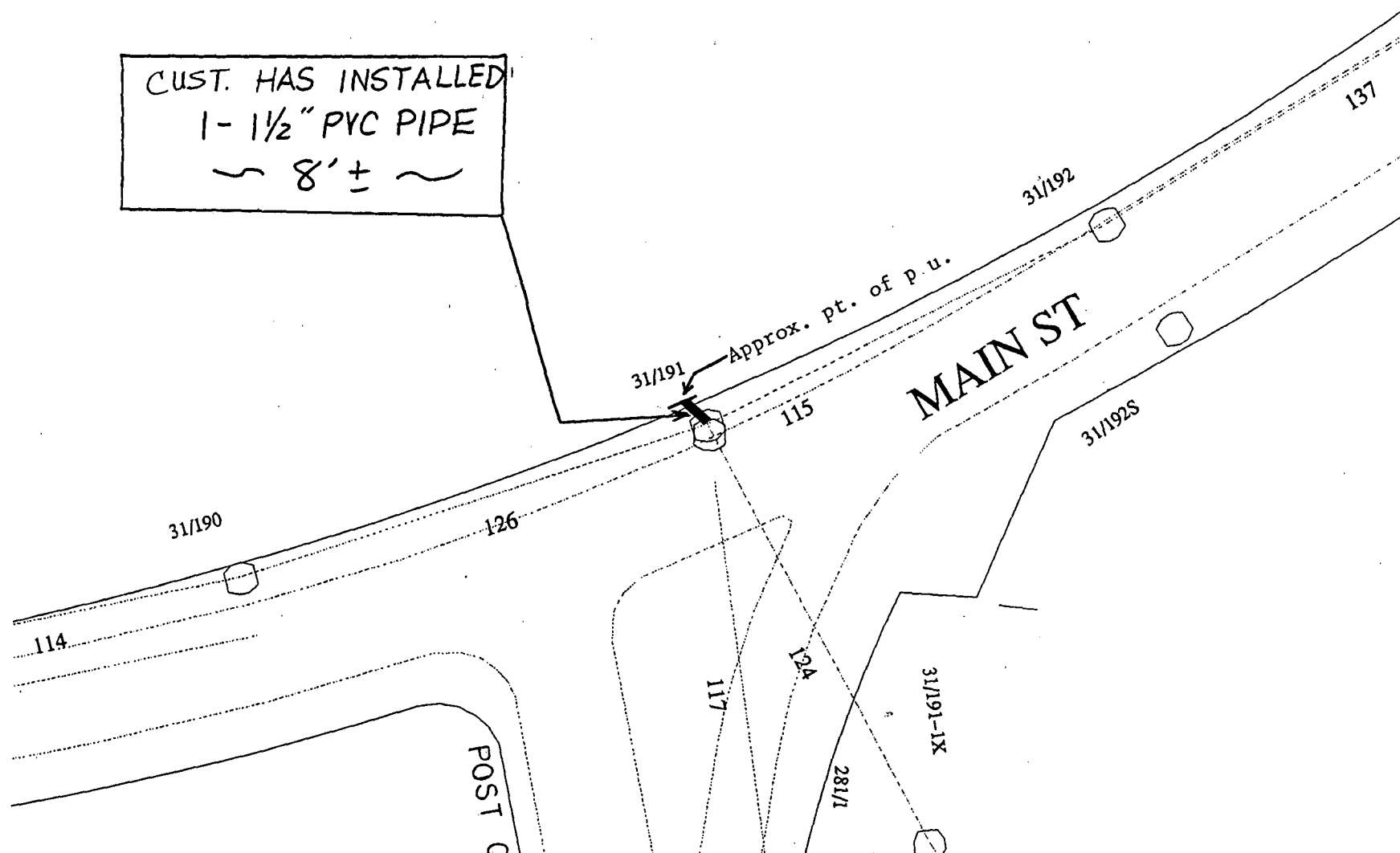
Dated this 28th day of September 19 94

Town of Acton Massachusetts

Received and filed 19

P - P-9G

CUST. HAS INSTALLED
1- 1½" PVC PIPE
~ 8' ± ~



Proposed Construction
SHOWN THUS:

NOTE:

The location of underground structures
are from plans and records and are
approximate only.

MASS LAW

REQUIRES 72 HOURS ADVANCE
NOTICE TO UTILITY COMPANIES
BEFORE DIGGING BY ANYONE
CALL DIG-SAFE 1-800-322-4844

C #:
PO #: 2429
WO #: 666922
SURVEYED BY:
DRAWN BY: MEO
CHECKED BY: MEO
APPROVED BY:
R.A. RUSCITTO
by MEO

BOSTON EDISON COMPANY

ELECTRICAL CUSTOMER SERVICE ORGANIZATION

Plan of: MAIN ST. ACTON

Showing Proposed: CUSTOMER CONDUIT LOCATION

SCALE: 1 inch = 40 feet

DATE: ep 94

EXTRA INFO. 10/25/94 - (2)

TOWN OF ACTON

Inter-Departmental Communication

DATE: October 25, 1994

TO: Don P. Johnson, Town Manager
FROM: Fire Chief
SUBJECT: Concord Water Treatment Plan - Lake Nagog
Fire Alarm Requirements

Don:

Please be advised that on this date I was contacted by Mr. Hal Storrs of the Concord Water Department relative to the necessity for a fire alarm system and master box as specified in my original requirements. He has just advised me that all pumping and electrical equipment in this non-combustible structure which might cause a fire is monitored and protected by shut-down devices; and ozone monitoring equipment will also be utilized.

All monitoring devices and shut-down equipment will be connected to both the Concord DPW and the Concord Police Department via leased telephone lines. Therefore, in effect, they are providing the early detection and monitoring of any problems that might arise, which was my concern.

Therefore I would have no objections to withdrawing the requirement for a fire alarm system and master box. However, a lockbox would still be required.



Robert C. Craig
Fire Chief

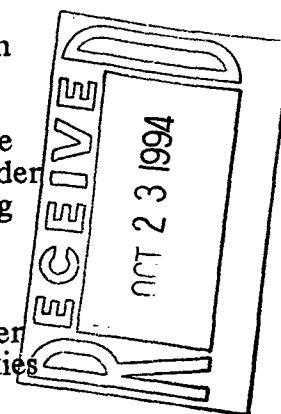
cc: Garry Rhodes, Building Commissioner

10/25/94

②

DECISION of the Board of Selectmen (hereinafter the Board) on the petition of Harold W. Storrs for the Town of Concord (hereinafter the Petitioner) for the property located behind 339 Nagog Hill Road, Acton, Massachusetts. Said property is shown on Acton Town Atlas Map C4, parcel 14.

This Decision is in response to an application submitted to the Board on 8/25/94 by the Petitioner for a Site Plan Special Permit under Section 10.4, a Special Use Permit under Section 10.3, and a Flood Plain Special Permit under Section 4.1.8 of the Acton Zoning Bylaw (hereinafter the Bylaw) in effect on 5/24/94, to construct a 1400 square foot disinfection facility with associated parking.



After causing notice of the time and place of the public hearing and the subject matter thereof to be published, posted and mailed to the Petitioner's abutters and other parties in interest as required by law, the hearing was called to order on October 11, 1994 at 7:45 PM and the hearing was continued until 7:45 PM on October 25, 1994 so that the Petitioner could supply additional information. The Hearing was held in the Selectmen's Hearing Room at the Acton Town Hall. Board members Norman Lake, William Mullin, F. Dore' Hunter, Nancy Tavernier and Wayne Friedrichs were present throughout the proceedings.

The record of the proceedings and submissions upon which this permit is based may be referred to in the Office of the Town Clerk, or the Office of the Board.

Submitted for the Board's deliberation prior to the close of the hearing were the following exhibits:

EXHIBIT I

A properly executed application for Site Plan approval received 8/25/94; an addendum entitled "Application Site Plan Special Permit" outlining provisions of the rules and regulations for Site Plan Special Permits; location plan; environmental controls; cover letter to the Board dated 7/12/94 from Haley and Ward, Inc.; drainage calculations dated 8/23/94; calculations on fill (loss) of flood plain dated 8/23/94; list of permits; certified abutters list; a second cover letter to the Board dated 7/11/94 from Haley and Ward, Inc.

EXHIBIT II

An Interdepartmental Communication (IDC) from the Town Manager to staff requesting comments; Notice of the Hearing; letter dated 8/25/94 from the Town Manager's office to Ms. Eleanor Duffy, P.E.; letter to Beacon Publications dated 8/25/94 from the Town Manager's office.

EXHIBIT III

A set of plans prepared by Haley and Ward, Inc. noted as follows: Nagog Pond Disinfection Facility Site Plan; drawing G-1 rev. 8/11/94; site details, drawing G-2 rev. 8/5/94; Nagog Pond Disinfection Facility, drawing G-3 rev. 8/5/94; roadway cross sections at Box Culvert STA. 0+0 to -1+0, drawing G-4 rev. 8/5/94; roadway cross sections STA. 0+50 to STA. 2+0, drawing G-5 rev. 8/5/94; roadway cross sections STA. 3+0 to STA. 6+0, drawing G-6 rev. 8/5/94; Roadway Profile, drawing G-7 drawn June, 1994; Building Floor Plan, drawing A-1 rev. 6/28/94; Building Elevations and Architectural Details, drawing A-2 rev. 6/24/94; General Location Plan of Proposed Parcel, drawing 2 drawn September 1993.

EXHIBIT IV

The following IDC's were received:

1. Building Commissioner dated 9/26/94.
2. Conservation Administrator dated 9/28/94.
3. Town Planner dated 8/21/94.
4. Fire Chief dated 9/28/94.
5. Health Director dated 9/16/94.
6. Municipal Properties Director dated 9/2/94.

EXHIBIT III is hereinafter referred to as the Plan.

1.0 FINDINGS AND CONCLUSIONS

Based upon review of the exhibits and records of the proceedings, the Board found and concluded that:

- 1.1 The site is located in the Residential-8 Zoning District and "Other Public Use" is permitted by Special Use Permit.
- 1.2 The site is located in Zone 4 of the Ground Water Protection District.
- 1.3 The Petitioner is requesting a waiver from earth removal calculations. The Board finds that this request is appropriate and therefore granted.
- 1.4 The Petitioner is requesting a waiver from the water balance calculations. The Board finds that this request is not consistent with the purpose of the Bylaw and that post-development runoff should not exceed pre-development conditions.
- 1.5 The Petitioner has received variances from sections 4.1.8.1b, 4.3.6.2, 5.2.2, 6.7.3, 6.7.5, 6.7.6, 6.7.7, and 10.4.3.1 of the Bylaw from the Board of Appeals. The Plan presented reflects these variances.
- 1.6 The facility will produce ozone that will be used to treat the water from Nagog Pond. The Hazardous Materials Bylaw provides that a permit from the Board of Health is necessary to produce the gas.
- 1.7 The spur from Hazelnut Street will be used to access this site and provide future access to the Palmer property. This spur may one day become a subdivision street which could be accepted by the Town. The Plans, as provided, do not contain sufficient information on how the "box culvert" drainage manhole and drop inlet are to be constructed and installed. Because this may one day be maintained by the Town, these details should be provided.
- 1.8 The Fire Department feels that in order to provide for public safety, an approved automatic fire detection and manual fire alarm system directly connected to the Acton Fire Department by a master fire alarm box be installed. A lock box also is needed. The Board agrees with the Fire Department.
- 1.9 The Board of Appeals has granted a variance from the landscaping requirements. The Board believes that all disturbed surfaces should be covered with four inches of loam and a seeding with a naturalizing mix of perennial grasses.
- 1.10 The retaining wall around the building has a differential in grade of more than